

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

B.C. MONEY, SR., )  
AIS # 184159 )  
 )  
PETITIONER, )  
 )  
vs. ) CIVIL NO.  
 ) 1:08-CV-00228-WKW  
HENRY COUNTY, ALABAMA, )  
*Et al.*, )  
 )  
RESPONDENTS. )

**ANSWER OF RESPONDENTS**

Come now the Respondents, by and through the Attorney General for the State of Alabama, and in response to this Honorable Court's Order issued March 31, 2008, make the following answer:

1. In his federal petition, B.C. Money, Sr., attacks his October 6, 1995 conviction of first-degree rape in the Henry County Circuit Court on the following grounds:
  - (1) He was denied his right to due process under law, because he was arrested and placed in jail without an arrest warrant;
  - (2) The police officer who investigated the charges against him served as foreman of the jury during his trial;

(3) The trial judge coerced the jury into returning a guilty verdict.

(Money's petition, pages 5-10)

2. Respondents admit Money is in state custody serving a sentence of ninety-nine years in the state penitentiary and ten years imprisonment pursuant to his conviction of first-degree rape and first-degree sexual abuse in the Henry County Court, but aver that Money's conviction and sentence are valid and constitutional under the laws and treaties of the United States and the State of Alabama.

3. Respondents deny each and every material allegation of the petition and demand strict proof thereof.

## **PROCEDURAL HISTORY**

4. On July 29, 1994, the Henry County Grand Jury indicted B.C. Money on three counts of raping six-year-old Amber Celeste Money, Money's granddaughter, by forcible compulsion in violation of Alabama Code §13A-6-61 (1975), in cases CC94-065, CC94-066, and CC94-067. (Exhibit A, 12, 75, 88) In CC94-068, Money was charged with first-degree sexual abuse of Amber Celeste Money in violation of Alabama Code §13A-6-66 (1975). (Exhibit A, 103) In CC94-069, Money was charged with the first-degree rape of Amanda Hadden in violation of Alabama Code §13A-6-61 (1975). (Exhibit A, C. 18) In CC94-070,

Money was charged with first-degree sexual abuse of Amber Money in violation of Alabama Code §13A-6-66 (1975). (Exhibit A, C. 133) On motion of the State and over objection of defense counsel, cases CC94-065 through CC94-070 were consolidated for trial. (Exhibit A, C. 36-38, 41)

5. The case came to trial on October 6, 1995, whereupon the jury returned verdicts finding Money guilty of four counts of first-degree rape and two counts of first-degree sexual abuse. (Exhibit A, C. 54, 77, 91, 106, 121, 136) On October 27, 1995, the trial court sentenced Money as follows: ninety-nine years each in case numbers CC-94-065, 94-066, 94-067, 94-069, and 94-070, and ten years each in case numbers CC-94-068 and 94-070. (Exhibit A, C. 61, 83, 98, 113, 128, 143) Money appealed to the Alabama Court of Criminal Appeals on October 27, 1995. (Exhibit A, C. 66) In his appeal, Money raised one issue, that the trial court erred by coercing the allegedly deadlocked jury into convicting him. (Exhibit D)

6. On August 23, 1996, the Alabama Court of Criminal Appeals issued a memorandum opinion affirming Money's convictions of first-degree rape and first-degree sexual abuse. (Exhibit D) Money did not file an application for rehearing. On September 10, 1996, the Alabama Court of Criminal Appeals issued a certificate of final judgment. It does not appear that Money has not filed any post-conviction collateral proceedings attacking his convictions. Money filed the instant federal petition on March 26, 2008, and this action follows.

**EXHAUSTION**

7. In O'Sullivan v. Boerckel, 526 U. S. 838 (1999), the United States Supreme Court held that, to satisfy the exhaustion requirement, a state prisoner must present his claims to a state supreme court in a petition for discretionary review when that review is part of the state's ordinary appellate review procedure. Money did not file an application for rehearing, or seek certiorari review of his claims in the Alabama Supreme Court. Therefore, under the criteria of O'Sullivan, Money has not exhausted his claim that the trial judge coerced the jury into returning a guilty verdict.

**MEMORANDUM BRIEF****One-Year Period Of Limitation Under  
Title 28 U.S.C. §2244(d)**

8. Money's petition is barred because it was not filed within the one-year statute of limitation. Title 28 U. S. C. §2244 (d) (1), enacted by Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pub. L. No. 104-132, 110 Stat. 1214, provides for a one-year statute of limitation applicable to a writ of habeas corpus by a person in custody pursuant to the judgment of a state court. This law became effective on April 24, 1996. The section specifically provides the following:

(d) (1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of - -

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
  - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
  - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
  - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection. (Emphasis added.)

9. On October 6, 1995, Money was convicted of four counts of first-degree rape and two counts of first-degree sexual abuse. On October 27, 1995, Money was sentenced to ninety-nine years in the state penitentiary on each count of first-degree rape, and ten years imprisonment on each count of first-degree sexual abuse. On August 23, 1996, the Alabama Court of Criminal Appeals issued a memorandum opinion affirming Money's convictions. Certificate of final

judgment was issued on September 10, 1996. Money filed this petition on March 26, 2008.

10. The effective date of the federal habeas statute is April 24, 1996. For the purpose of the habeas corpus statute of limitation, a conviction becomes final when the time expires for a defendant to seek review in the United States Supreme Court. See: Coates v. Byrd, 211 F. 3d 1225, 1226-1227 (11th Cir. 2000). Pursuant to Coates v. Byrd, the statute of limitation began to run in Money's case on December 9, 1996, ninety days after issuance of certificate of final judgment. Under the federal statute, Money had one year from December 9, 1996 , in which to file a timely federal petition. He did not file the instant petition until March 26, 2008, more than ten years *after* the statute of limitation had run. He has not filed a Rule 32 petition that would toll the federal statute of limitation.

Accordingly, Money's petition for writ of federal habeas corpus is due to be denied as barred by the one-year statute of limitation under Title 28 U.S.C. 2244(d).

## CONCLUSION

Based upon the foregoing, Money's petition for writ of habeas corpus attacking his convictions of first-degree rape and first-degree sexual abuse and his sentences of ninety-nine years and ten years respectively, is due to be denied because the petition is barred by the federal statute of limitation.

Respectfully submitted,

Troy King (KIN047)  
Attorney General  
By:

s/Jean A. Therkelsen  
Jean A. Therkelsen

## **EXHIBITS**

Exhibit A - Transcript, direct appeal, CR-95-0268.

Exhibit B – Money's brief on direct appeal, CR-95-0268.

Exhibit C – State's brief on appeal, CR-95-0268.

Exhibit D – Opinion of the Alabama Court of Criminal Appeals affirming  
Money's conviction on direct appeal, CR-95-0268.

Exhibit E - Certificate of final judgment, CR-95-0268.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: B. C. Money, AIS #184159, P. O. Box 5107, Union Springs, Alabama 36089.

Respectfully submitted,

s/Jean A. Therkelsen  
Jean A. Therkelsen  
Office of the Attorney General  
Alabama State House  
11 South Union  
Montgomery, AL 36130-0152  
Telephone: (334) 242-7300  
Fax: (334) 242-2848  
E-Mail: JTherkelsen@ago.state.al.us

637214/120092

COURT OF CRIMINAL APPEALS NO. 95-0268

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF HENRY COUNTY, ALABAMA

CIRCUIT COURT NO. CC-94-065 thru CC-94-070

CIRCUIT JUDGE LAWSON LITTLE

Type of Conviction / Order Appealed From: Rape 1st on CC-94-065, 066, 067, & 069

Sentence Imposed: 99 yrs on CC-94-065, 99 yrs on 066, 99 yrs on 067, 99 yrs on 069; Sexual Abuse on CC-94-068 & 070

Defendant Indigent:  YES  NO 10 yrs on CC-94-068; 10 yrs on CC-94-070

B. C. MONEY

William Christian Maddox 334 793-6493  
(Appellant's Attorney) (Telephone No.)  
P. O. Box 738

(Address) Dothan AL 36302  
(City) (State) (Zip Code)

NAME OF APPELLANT

V.

STATE OF ALABAMA

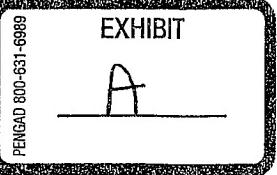
(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter name and address of municipal attorney below.

NAME OF APPELLEE

(For Court of Criminal Appeals Use Only)

27199



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\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

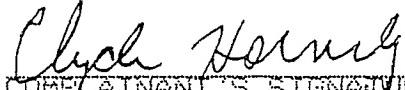
WARRANT NUMBER: WR 94 000267.00  
OTHER CASE NBR:

DC-94-326

## C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLYDE WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B C MONEY SR WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINTANT

ON OR ABOUT OCT - DEC 31, 1993, B. C. MONEY, SR., A MALE, DID ENGAGE IN SEXUAL INTERCOURSE WITH AMBER CELESTE MONEY, A FEMALE BY FORCEABLE COMPULSION at a branch located behind the residence of B. C. Money, Sr., Rt 1, Columbia, AL IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESS FOR THE STATE

HORNSBY CLYDE/C/O HENRY CO SO//ARBEVILLE/36310  
MONEY AMBER CELESTE/RT//COLUMBIA/36319  
FLAHERTY HEATHER/515 COLUMBIA RD//ARBEVILLE/36310  
AMOS TAMMY/RT 1 BOX 24/OLD RIVER ROAD/SHORTERVILLE/36373  
MONEY PATRICIA E/RT 1//COLUMBIA/36319  
RUSHING BETH/DHR1//ARBEVILLE/36310

OPERATOR: COB DATE: 06/08/94

## W A R R A N T

STATE OF ALABAMA

HENRY COUNTY

DISTRICT COURT

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000267.00  
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST B C MONEY SR AND BRING HIM/HER BEFORE THE DISTRICT COURT OF HENRY COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

RAPE 1ST DEGREE CLASS:A TYPE:F  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF July 1994, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 08 DAY OF JUNE, 1994.

BOND SET AT: \$100,000.00 BOND TYPE:*Connie Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

NAME: B C MONEY SR ALIAS:  
ADDRESS: RT 1 ALIAS:  
ADDRESS:  
CITY: COLUMBIA STATE: AL ZIP: 36319 0000EMPLOYMENT:  
DOB: 03/22/22 RACE: W SEX: M HAIR:  
EYE: HEIGHT: 0'00" WEIGHT: 000  
SID: 000000000 SSN: 420503187

## E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

 PLACING DEFENDANT IN THE HENRY COUNTY JAIL RELEASING DEFENDANT ON APPEARANCE BOND

THIS 8 DAY OF JUN 19 94

*Lawton Ed Armstrong*  
SHERIFF  
*Clyde Hornsby*  
BY

COMPLAINANT: HORNSBY CLYDE  
C/O HENRY CO SO

ABBEVILLE AL 36310

OPERATOR: COB LAST UPDATE: 060894

Form C-81

11/91

IN THE

District

COURT OF

Henry

COUNTY

STATE OF ALABAMA

MUNICIPALITY OF

v. B. C. Money, Jr., Defendant

This is a first appearance hearing. You are charged with committing the felony offense(s) of Rape 1st Degree in this Court in violation of TBA - 006-0610. The primary purpose of this hearing is to ensure that you know and understand the charge or charges against you. At this hearing, there will be no determination made about your guilt or innocence of the crime charged, but only a determination that you know and understand the charge or charges against you. If you are before the Court on a complaint following a warrantless arrest, the judge or magistrate will determine whether there is probable cause for the charge against you.

In addition, the purpose of this hearing is to determine whether bail should be set in your case, or, if it has been already set, if it should remain the same, be raised, be lowered, or whether you should be released upon your personal recognizance (that is, your promise to appear for future court proceedings) or released in the custody of some responsible person. In order to make this determination, it will be necessary for the judge or magistrate to ask you some questions concerning your ties with the community.

You are entitled to be represented by an attorney. You have a right to have your own attorney and will be given time and opportunity to retain an attorney. If you are unable to afford an attorney, one will be appointed for you by the court if you qualify for such representation. It will be necessary for you to complete an indigency questionnaire under oath in order for the court to make this determination.

You have a right to talk with your attorney, family, or friends, and if necessary, reasonable means will be provided in order to enable you to do so. You have the right to remain silent. Anything that you say may be used against you.

Because you are charged with a felony, you are entitled to demand a preliminary hearing before a judge or magistrate to determine whether there is sufficient evidence to establish that you probably committed the offense or offenses with which you are charged. You must make this demand within thirty (30) days of the date of arrest. If a hearing is demanded and one is conducted, and, if at the conclusion of the preliminary hearing the judge finds that sufficient evidence has been shown to establish that you probably committed the offense or offenses with which you are charged, the judge will then bind you over for further action by a grand jury. If, on the other hand, the judge finds that the evidence is insufficient to establish that you probably committed the crime or crimes charged, then the judge will dismiss the charge and discharge you from further custody or pre-trial obligations subject to the right of the prosecution to reinstate the charges against you at a later time.

If you are released from custody (whether personal recognizance or otherwise), you must:

- 1.) Appear to answer and submit to all orders and process of the Court having jurisdiction in the case.
- 2.) Refrain from committing any criminal offense.
- 3.) Not depart from the state of Alabama without the leave of the Court having jurisdiction of this case.
- 4.) Promptly notify the Court of any change of address or phone number.
- 5.) Other conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The provisions of the Release Order may be revoked or modified by the Court for cause. The Release Order and any appearance bond executed in compliance with it will continue in force and effect until the dismissal, acquittal, or conviction on the charges, unless sooner revoked or modified by the Court. Upon report of a violation of any of the above conditions, a warrant for your arrest will be issued.

Date: 6-9-94

B.C. Money  
Judge/Magistrate

I have read or have been advised of the matters herein set forth. I understand the explanation of procedures, rights, and information given to me at the Initial Court Appearance. I understand the conditions of my release and the penalties applicable in the event that I violate any conditions imposed herein. I also understand that failure to appear as required may subject me to additional charges in the revocation of release.

Date: 6-9-94

Sander S. Shultz  
Defendant

State of Alabama  
Unified Judicial System

## ORDER

Case Number

Form C-80

Rev. 11/91

## ON INITIAL APPEARANCE

WR-94-271, 270,  
269, 268, 267IN THE District COURT OF Haley COUNTY STATE OF ALABAMA MUNICIPALITY OF \_\_\_\_\_v. B.C. Money, Sr., Defendant

The above named defendant, charged with the criminal offense(s) of Sexual Abuse 1st (2cts) + Rape, 1st (3cts)  
 was duly brought before the Court for Initial Appearance on 1/8, 1994, at 1:50 o'clock  
p.m., whereupon the Court did the following, as checked in the appropriate blocks:

## (CHECK AS APPLICABLE):

1.  Name and address of defendant.

- (a) Ascertained the true name and address of the defendant to be:

B.C. Money, Sr. Rt. 1, Box 35,  
Columbia, AL 36319

- (b) Amended the formal charges to reflect defendant's true name.

- (c) Instructed the defendant to notify the court promptly of any change of address.

2.  Informed the defendant of the charges against him/her and ensured that the defendant was served with a copy of the charges.

3.  Informed the defendant of the right to be represented by counsel, that he/she would be afforded time and opportunity to retain an attorney, and further advised the defendant that, if he/she were indigent and unable to obtain counsel, an attorney would be appointed by the Court to represent him/her.

4.  Informed the defendant that he/she had the right to remain silent and that anything that he/she said could be used against him/her.

5.  Bail

- (a) Determined that the defendant shall not be released from custody since charged with a non-bailable capital offense.

- (b) Determined that the defendant shall not be released from custody pending further proceedings, subject to the mandatory conditions prescribed in Rule 7.3(a), A.R.Cr.P., and subject to the following additional conditions:

✓1.) Execution of an appearance bond (recognizance) in the amount of \$ 25,000 CW 25,000 Poc, 100,000 350,000

2.) Execution of a secured appearance bond in the amount of \$ 100,000

3.) Other conditions (specify)

6.  If charged with a felony offense, informed the defendant of the right to demand a preliminary hearing under Rule 5.1, A.R.Cr.P., and of the procedure by which that right may be exercised.

7.  If charged with a felony offense and a preliminary hearing was demanded within 30 days of date of arrest by the above named defendant, set a preliminary hearing to be held in the District Court on 19, 1994, at o'clock p.m.

- (a) Notified the District Court that such demand was made.

- (b) Defendant made no demand for a preliminary hearing at the initial appearance hearing.

8.  Other: \_\_\_\_\_

Date: 1/8/94

Shirlee Vickers  
Judge/Magistrate

## SEARCH WARRANT

STATE OF ALABAMA  
HENRY COUNTY

TO THE SHERIFF OR DEPUTY OF HENRY COUNTY ALABAMA  
GREETINGS:

Proof of affidavit having been made before me this date by Henry County Sheriff's Dept., Investigator, Clyde Hornsby, that he has probable cause to believe and does believe that Bragg Comer Money, Sr., aka B.C., a white male, whose name is to the affiant otherwise unknown and others whose names is to the affiant unknown have in their possession a red tool box containing pornographic magazine(s) in an outside building, a deck of cards with pornographic pictures on the face which should be located in a bedroom of said trailer. Also, there should be a pornographic movie entitled "Screwballs" and any other pornographic material or illegal substances or illegal contraband contrary to the law at Route 1 Box 35 Columbia, Alabama 36319. The residence is located traveling State Road 95 South to Haleburg. At Haleburg, turn left onto County Road 12 and go to County Road 97 and turn right. Go to the bottom of the hill and there will be a double wide trailer on the right. The trailer will be yellow in color with white trim. Also, there will a deck on the left end of trailer which is also painted white. There should be a Plymouth Mini Van, yellow in color, sitting in yard at driveway. There will be a light pole with no trespassing and no fishing signs posted.

You are therefore commanded in the day or night to make immediate search on the said person of Bragg Comer Money, Sr., aka B.C., a white male, whose name is otherwise unknown to the affiant and others whose names are unknown to the affiant, and in and upon said premises of the following property to wit: a red tool box containing pornographic magazine(s) in an outside building, a deck of cards with pornographic pictures on the face which should be located in a bedroom of said trailer. Also, there should be a pornographic movie titled "Screwballs" and any other pornographic material or illegal substances or illegal contraband contrary to law, and if you find the same or any part thereof, to bring it forthwith before me in my office in Henry County Courthouse, Abbeville, Alabama.

THIS THE 8TH DAY OF JUNE, 1994.

JUDGE, DISTRICT COURT, HENRY CO., AL.

94 JUN 13 AM 10 09  
HENRY COUNTY CLERK  
HENRY COUNTY ALABAMA

State of Alabama  
Unified Judicial System

Form C-10 Rev 6/88

**AFFIDAVIT of SUBSTANTIAL  
HARDSHIP and ORDER**

Case Number

IN THE DISTRICTCOURT OF HENRY

COUNTY

Plaintiff/State

v. Defendant B. C. MONEY, SR.

IN THE MATTER OF:

TYPE OF PROCEEDING:

CHARGE:

- CIVIL CASE--I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- CIVIL CASE (such as paternity, support, termination of parental rights) -- I request an attorney be appointed for me.
- CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.

**AFFIDAVIT**

A. Do you have a job or work for yourself?

Yes  No

Employer's name and address \_\_\_\_\_

How much money do you take home each week?

+ \$ none

B. If unemployed, give month and year of last employment and amount earned per month

MARCH, 1983\$ 1100.00

C. Does your husband or wife have a job?

Yes  No

Employer's name and address \_\_\_\_\_

How much money does he/she take home each week?

+ \$ none

D. Do you receive money or benefits from any other source?

(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)

How much do you receive each month?

S.S. & V.A.+ \$ 598.00

A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand?

Yes  No

Where? \_\_\_\_\_

How much? + \$ none

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.)

Yes  No

What? \_\_\_\_\_

Total Value + \$ 16,000.00D. Are you: Single M Married \_\_\_\_\_ Widowed \_\_\_\_\_ Divorced \_\_\_\_\_ Separated?

E. Do you have any dependents?

Yes  No

Who and what relationship? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What does it cost you to live each month?

D  
E  
B  
T  
S

Creditor	Total Debt	Monthly Payment
Loans	\$ 1,500	\$ 150.00
Charge Accounts	00	00
House or rent payments	00	00
Alimony	00	00
Support	00	00
Car payment	00	00
Groceries	350.00	
Utilities	132.00	
<b>INSURANCE</b>	<b>1500</b>	<b>66.00</b>
		84

In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

10 day of JUNE, 1994

Judge/J Notary

B.C. Money

Affiant Signature

## ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

GRANTED

DENIED

### APPOINTMENT OF ATTORNEY:

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT \_\_\_\_\_

\_\_\_\_\_, Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).

It is further ordered that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

DONE this

15<sup>th</sup> day of June, 1994

Judge

*James W. Wood*

110 page 1-18-44  
**AFFIDAVIT of SUBSTANTIAL  
HARDSHIP and ORDER**

Case Number -8-

DC 94-367

IN THE DISTRICTCOURT OF HENRY

COUNTY

Plaintiff/State

v. Defendant B. C. MONEY, JR.

IN THE MATTER OF:

TYPE OF PROCEEDING:

CHARGE:

- CIVIL CASE--I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- CIVIL CASE (such as paternity, support, termination of parental rights) -- I request an attorney be appointed for me.
- CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.

**AFFIDAVIT**

A. Do you have a job or work for yourself?

Employer's name and address \_\_\_\_\_

Yes  No

How much money do you take home each week?

+ \$ \_\_\_\_ - \_\_\_\_

B. If unemployed, give month and year of last employment and amount earned per month

March, 1983\$ 1100.00

C. Does your husband or wife have a job?

Employer's name and address \_\_\_\_\_

Yes  No

How much money does he/she take home each week?

+ \$ \_\_\_\_ - \_\_\_\_

D. Do you receive money or benefits from any other source?

(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)

How much do you receive each month? 5.50 V.A.+ \$ 598.00

A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand?

Yes  NoWhere? \_\_\_\_\_ How much? + \$ None

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.)

Yes  NoWhat? 1985 Ford RangerTotal Value + \$ 1200.00D. Are you: Single  Married \_\_\_\_\_ Widowed \_\_\_\_\_ Divorced \_\_\_\_\_

Separated? \_\_\_\_\_

E. Do you have any dependents?

Yes  No

Who and what relationship? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What does it cost you to live each month?

Creditor	Total Debt	Monthly Payment
Loans	\$ 150.00	\$ 150.00
Charge Accounts		
House or rent payments		
Alimony		
Support		
Car payment		350.00
Groceries		
Utilities		132.00
Insurance		66.00
	1500.00	88.00

In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

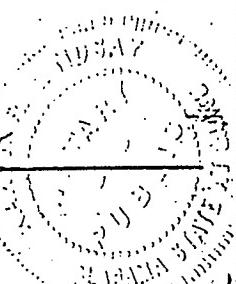
I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

11th day of July, 1984.  
Dawn R. Lexington  
 Judge/Notary

J.C. Morris

Affiant Signature



## ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

GRANTED

DENIED

### APPOINTMENT OF ATTORNEY:

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT

Richard Ramsey Jr.

Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).

It is further ordered that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

DONE this

15th

day of

July

, 1984

Shawmire

Judge

State of Alabama Unified Judicial System Form C-52 Rev 6/88		CONSOLIDATED BOND (District Court, Grand Jury, Circuit Court)	Case Number
IN THE <u>District</u> COURT OF <u>Henry</u> COUNTY			
STATE OF ALABAMA		v. Bragg Comer Money, Sr.	
We <u>Bragg Comer Money, Sr.</u> (Defendant) as principal and we _____ (please print) as sureties			
agree to pay the State of Alabama <u>\$10,000.00</u> Dollars unless the above named defendant appears before the District Court of said County on (Date) <u>Aug. 16, 1994</u> at (Time) <u>9:00</u> or at the next session of Circuit Court of said County; there to await the action by the grand jury and from session to session thereafter until discharged by law to answer to the charge of <u>Larceny - First Degree</u>			
or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu- tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe- cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.			
It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time as the undersigned are duly exonerated.			
<u>X BC Money RT 1 Box 35 Columbia, Al. 36319</u>		Address (Print)	City
<u>X Ruby Money Columbia Al RT 1 Box 35 36319</u>		Address (Print)	City
<u>X Linda Money RT 1 Box 33 Columbia, Al.</u>		Address (Print)	City
<u>X Daniel O Money PO Box 181 Columbia Al 36319</u>		Address (Print)	City
<u>X Letta B. Bristol RT 1, Box 32 B Columbia, Al.</u>		Address (Print)	City
<u>July 21, 1994</u>			
Approved by: Sheriff/Judge <u>J. E. Cash</u>			
By: Deputy Sheriff			
Defendant's Information			
DOB _____		Sex <u>Male</u>	
S. S. No. _____		Race <u>White</u>	
DL No. _____		State ( )	Phone No. _____
<input checked="" type="checkbox"/> Appearance Bond - Property		<input type="checkbox"/> Appearance Bond - Recognizance	
		<input type="checkbox"/> Bail Bond	
		<input type="checkbox"/> Cash Bond	

CASE ACTION SUMMARY  
DISTRICT CRIMINAL

CASE# DC 94 000366 00

IN THE DISTRICT COURT OF	HENRY COUNTY	JUDGE: CWW
S E OF ALABAMA	VS MONEY B C SR	
CASE# DC 94 000366 00	COLUMBIA	AL 36319-0000

DOB: 03/22/22 RACE: W SEX: M	HT: 000 WT: 000 HR:	EYE:
SSN: 420503187 ALIAS NAMES:		

CHARGE1: RAPE 1ST DEGREE	CODE1: RAP1 LIT: RAPE 1ST DEGREE TYPE:F
CHARGE2:	CODE2: 0000 TYPE:F
CHARGE3:	CODE3: 0000 TYPE:F
MORE? :	OFFENSE DATE: / / AGENCY/OFFICER: 0370000HORNSBY

DATE WAR/CAF ISSU: / /	DATE ARRESTED: 06/08/94
DATE INDICTED: / /	DATE FILED: 06/27/94
DATE RELEASED: / /	DATE HEARING: / / SURETIES: /
BOND AMOUNT: \$100,000.00	
DATE 1: 07/19/94 DESC: 0000 TIME: 0900 A	
DATE 2: DESC: 0000 TIME: 0000	

DEF/ATY: TYPE: /	TYPE: /
PROSECUTOR: /	

OTH CSE: 0000000000	CHK/TICKET NO: /	GRAND JURY: /
COURT REPORTER: /	SID NO: 0000000000	
DEF STATUS: JAIL	JURY DEMAND: /	OPID: SAS

DATE	ACTIONS, JUDGMENTS, CASE NOTES
------	--------------------------------

7-21-94 Bond is hereby reduced to \$10,000.00.  
 Defendant is released shall be released  
 in the custody of Mrs. B. C. Money  
 and he shall remain in her custody  
 until this case is finally determined.  
 Woodburn Judge

7-21-94 as a further condition of defendant's  
 release, he shall not have contact  
 with the alleged victim unless  
 accompanied by another adult.  
 Woodburn judge

7-26-94 HJ

Grand Jury No. 192

Case No. \_\_\_\_\_

**INDICTMENT**

The State of Alabama  
 HENRY COUNTY }

CIRCUIT COURT  
 TWENTIETH JUDICIAL CIRCUIT

July Term, 19 94

The grand jury of said county charge that, before the finding of the indictment,

B.C. Money, Sr.

whose name is otherwise unknown to the Grand Jury,  
 a male, did engage in sexual intercourse with Amber Celeste  
 Money, a female, by forcible compulsion, in violation of  
 13A-6-61 of the Code of Alabama, against the peace and dignity  
 of the State of Alabama.

Douglas Albert Valeska  
 District Attorney

THE STATE OF ALABAMA  
 Henry County

Witnesses:

Amber Celeste Money  
 Rt  
 Columbia, Al 36319

Clyde Hornsby  
 SO  
 Abbeville, Al

Heather Flaherty  
 515 Columbia Rd  
 Abbeville, Al

Tammy Amos  
 Rt 1 Box 24 (Old River Rd)  
 Abbeville, Al

Patricia Money  
 Rt 1  
 Columbia, Al

S.I.D. No.

D.O.A.

RAPE, 1ST DEGREE

(Over)

A TRUE BILL

*Wiley Walker*

Foreman of the Grand Jury

Presented to the presiding Judge in open court  
foreman of the Grand Jury, in the presence of  
Grand Jurors and filed in open  
court by order of the court on this the 29<sup>th</sup> day of July, 1994.

Continued Witnesses

Beth Rushing  
DHR  
Abbeville, AL

*Connee Brundidge*

Clerk

INDICTMENT

NO PROSECUTOR

Upon the arrest of Defendant let him be  
admitted to bail on giving bond in the sum of  
Twenty Five Thousand Dollars

with security to be approved by the Sheriff.

This 29<sup>th</sup> day of July 1994

*E. C. Walker*

Judge Presiding

STATE OF ALABAMA

PLAINTIFF

VS:

B.C. MONEY

DEFENDANT

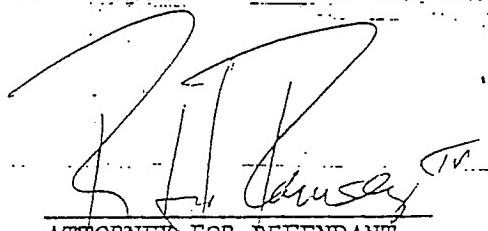
IN THE DISTRICT COURT OF

HENRY COUNTY, ALABAMA

CASE NO: DC 94-367

REQUEST FOR PRELIMINARY HEARING

Comes now the Defendant in the above-styled cause, by and through his attorney of record and requests this Honorable Court to set a preliminary hearing at its earliest convenience.

  
ATTORNEY FOR DEFENDANT  
RICHARD H. RAMSEY, IV  
401 N ALICE STREET  
DOOTHAN, ALABAMA 36303  
205-794-4154

Filed in Office this 2nd

day of Aug, 19 94

Connie Bundeshaw

DISTRICT CLERK

*fix it 8-2-94 Denied as most  
Woodburn Judge  
RG*

W<sup>R</sup>IT OF ARREST

CC 94 000065, 00  
GRAND JURY #: 192

TO ANY SHERIFF OF THE STATE OF ALABAMA:

CAPIAS HAS BEEN ORDERED AGAINST:

HONEY B C SR  
RT 1

COLUMBIA AL 36319-0000

ON 07/29/94 IN THE CIRCUIT COURT OF HENRY COUNTY, FOR THE OFFENSE

RAPE 1ST DEGREE  
XXXX  
XXXX

YOU ARE THEREFORE COMMANDED FORTHWITH TO ARREST SAID DEFENDANT AND COMMIT HIM TO JAIL, UNLESS HE GIVES BAIL, AND THAT YOU RETURN THIS WRIT ACCORDING TO LAW.

BOND SET AT: \$25,000.00

DATE ISSUED: 08/01/94 CONNIE J BURDESHAW BY JL  
CLERK

EXECUTED THIS 12 DAY OF AUG, 1994, BY  
ARRESTING THE WITHIN NAMED DEFENDANT B.C. MONEY SR

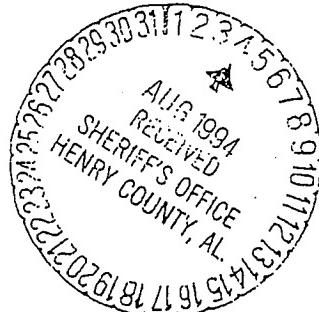
J E Armstrong  
SHERIFF  
Clyde B. Hornsby  
DEPUTY SHERIFF

#### DEFENDANT'S FEATURES:

HT: 6'00" HAIR: DOB: 03/22/22

WT: 000 SEX: M EYE: RACE: B  
SSN: 480503187

**ADDTL COMMENTS:**



OPERATOR: GYE  
PREPARED: 08/01/94

State of Alabama  
Unified Judicial System  
Form C-52 Rev 6/88

**CONSOLIDATED BOND**  
**(District Court, Grand Jury, Circuit Court)**

Case Number

IN THE CIRCUIT COURT OF HENRY COUNTY  
STATE OF ALABAMA v.

We BRAGG COMER MONEY SR. (Defendant) as principal

and we \_\_\_\_\_ (please print) as sureties

agree to pay the State of Alabama \$ 25,000.00 Dollars

unless the above named defendant appears before the District Court of said County on (Date): OCT, 5 1994  
at (Time) 9:00 AM or at the next session of Circuit Court of said County; there to await the action by the grand jury and from session to session thereafter until discharged by law to answer to the charge of RAPE 1ST DEGREE

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time as the undersigned are duly exonerated.

B.C. Money RT 1 Box 35, Columbia, AL  
Signature of Defendant Address (Print) City

Frank Comer Rt 1 Box 33 Columbia, AL  
Signature of Surety Address (Print) City

James D Money P.O. Box 181 Columbia, AL  
Signature of Surety Address (Print) City

Roger Money Columbia, AL  
Signature of Surety Address (Print) City

Roger Money Columbia, AL  
Signature of Surety Address (Print) City

8-12-94 Approved by: Sheriff/Judge  
Date Linton E. Armstrong  
By: Deputy Sheriff Keith Smith

## Defendant's Information

DOB 03-22-22Sex MS. S. No. 420-50-3187Race WDL No. 0833087State ( AL )Phone No. 696-4691 Appearance Bond - Property Appearance Bond - Recognizance Bail Bond Cash Bond

STATE OF ALABAMA } IN THE CIRCUIT COURT OF  
VS. } HENRY COUNTY, ALABAMA  
B.C. MONEY ) CASE NO. CC 94-65 thru 70

MOTION TO REVOKE BOND

Comes now the State of Alabama, by and through the District Attorney and moves the Court to revoke the bond heretofore set in this matter and for cause states:

1. The defendant has been seen on numerous occasions riding up and down the road in front of the victims home and family.
2. The defendant has reportedly said that he will never go to prison.
3. That B.C. Money, Jr., father of the victims, fears for the safety of his family.

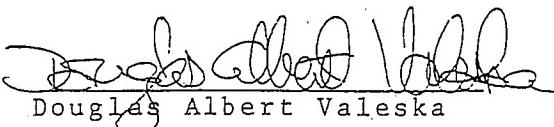
WHEREFORE, the State request the Court to revoke the bond of the defendant.

Respectfully submitted,

  
Douglas Albert Valeska  
District Attorney

CERTIFICATE OF SERVICE

I, Douglas Albert Valeska, District Attorney of the 20th Judicial Circuit of Alabama, hereby certify that I have placed a copy of the same in the U.S. mail, postage prepaid to Richard Ramsey, IV, attorney of record for the defendant, P.O. Box 1825 Dothan, Alabama 36302 this 17 day of August, 1994.

  
Douglas Albert Valeska



STATE OF ALABAMA, ) IN THE CIRCUIT COURT OF  
VS. )  
B. C. MONEY, SR., ) HENRY COUNTY, ALABAMA  
DEFENDANT )  
 ) CASE NOS. CC-94-065,  
 ) CC-94-066, CC-94-067,  
 ) CC-94-068, CC-94-069,  
 ) and CC-94-070.  
)

AMENDMENT OF RELEASE ORDER

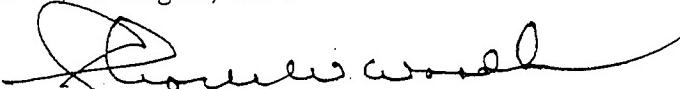
This cause came on to be heard on the motion of the State of Alabama to revoke the bonds of the Defendant in the above numbered cases on the grounds therein stated, and upon oral argument of counsel for the parties made in a hearing before the Court on August 24, 1994, and upon consideration thereof, it is

**ORDERED, ADJUDGED AND DECREED** that the motion to revoke is denied; however, Defendant's release on the respective bonds is further conditioned upon the following:

- a. Defendant shall have no contact with either of the alleged victims.
- b. Defendant shall not traverse on foot or on vehicle the public road fronting the residence of Amber Celeste Money.
- c. Defendant shall not leave the State of Alabama without the consent of the Court.

The Court apprised the Defendant of the above further conditions of his release in open court in the presence of his attorney and the district attorney. The Defendant acknowledged he understood these further conditions of his release.

DONE this the 24th day of August, 1994.



CHARLES W. WOODHAM  
JUDGE

COPY  
RRW  
D

State of Alabama Uni' Judicial System For. No. C-69 11/85	<b>PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT</b>	Case Number <u>CC 94 65 - 70</u> ID YR Number
---	---	---

IN THE CIRCUIT COURT OF HENRY COUNTY, ALABAMA

STATE OF ALABAMA vs. B. C. MONEY

COMES NOW the Defendant in the above styled matter, and to the offense charged enters a plea of Not Guilty \_\_\_\_\_

Defendant further waives the right to have an Arraignment at which the Defendant is present in person, or at which the Defendant is represented by an attorney.

But, the Defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the Court, to interpose any special pleas or additional pleadings which the Defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is MARCH 22, 1922. Defendant is age 72.

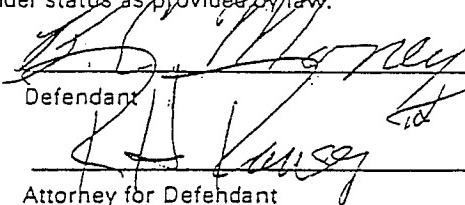
The Defendant is not eligible for consideration by the Court for Youthful Offender status as provided by law.

AUGUST 25, 1994

Date

AUGUST 25, 1994

Date

  
Defendant

  
Attorney for Defendant

I certify that I am the Attorney for the Defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the Defendant. I further state to the Court that I have explained to the Defendant his right to be Arraigned in person and his right to have me represent him at Arraignment. I further certify to the Court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY ADDITIONAL PLEADINGS OR SPECIAL PLEAS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM THAT IN THE EVENT HE FAILS TO APPEAR ON THE DATE HIS CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS BOND. I further certify to the Court that I have advised my client that he is responsible for obtaining the date his case is set for trial in this matter and that in the event he fails to appear on the date his case is set for trial all appropriate legal action will be taken by the Court against the Defendant and his bond, and I hereby certify that the Defendant knows that he is personally responsible for obtaining the date his case is set for trial and for being present in Court on that date.

AUGUST 25, 1994

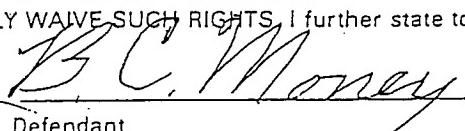
Date

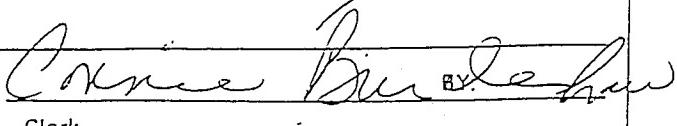
  
Attorney for Defendant

This is to certify that my Attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand, each and every matter set forth in this form. I further state to the Court that I do not wish to be personally present at an Arraignment in this case and that I do not want to have an Attorney represent me at an Arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the Court that I have received a copy of the charge against me.

AUGUST 25, 1994

Date

  
Defendant

  
Clerk

Filed in office this date 8-26-94

## IN THE CIRCUIT COURT OF HENRY COUNTY, ALABAMA

STATE OF ALABAMA,	)	
PLAINTIFF,	)	CC-94-
VS.	)	CASE NO.:DC-94-366 94-367 94-368 94-369 94-371
B. C. MONEY,	)	65 66 67 68
DEFENDANT.	)	70

MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND FOR  
 PSYCHOLOGICAL AND MEDICAL  
 EXAMINATION OF STATE'S WITNESS

COMES NOW, B.C. MONEY, the defendant, by and through his attorney of record, Richard H. Ramsey, IV, and moves that his Honorable Court order the State to disclose to the defense the psychiatric and behavioral history of its main witness, Ms. Amber Money, and to further order that said witness, Ms. Amber Money undergo psychiatric and other truth-determining examinations conducted by qualified experts. In support of this Motion defendant shows unto this Honorable Court as follows:

1. That defendant is charged with rape 1st degree and sexual abuse 1st degree in the above styled cause and the State's main witness and to the crimes charged is Ms. Amber Money.

2. The defense is entitled to be made aware of information which would bear upon the credibility of the State's witness and/or be of an impeaching nature to insure due process and the adequate preparation of a defense.

3. Ms. Amber Money psychiatric and behavioral history and present psychological condition would have a direct, and possible decisive, bearing on her credibility and disclose information of an impeaching nature which may be crucial to determining the truth of the allegations made in the above styled cause.

4. Defendant further shows that other means of truth determination which are scientifically accurate, such as the polygraph or sodium pentothal, should be utilized to determine the truth and accuracy of Ms. Amber Money's version of the events at issue.

5. That the State of Alabama enacted a Rape Shield law which greatly limits the Defendant's cross-examination of the complaining prosecutrix as to character, etc.

6. The information requested in the foregoing Motion is essential to insure the defendant's right to a fair trial, his Right of confrontation, his right to prepare a defense in his

HARD H. RAMSEY, III

401 N. ALICE ST.

ITHAN AMA 36302

205-44154

own behalf, and his right to effective assistance of counsel and due process of law guaranteed him by the Constitution of the United States and of the State of Alabama and all other rights not herein enumerated including rights provided by case law.

7. Defendant further request that the State's witness undergo a physical and medical examination by a medical doctor at the States expense to determine whether there is any indication of sexual contact.

WHEREFORE, Defendant prays that this Honorable Court enter an order:

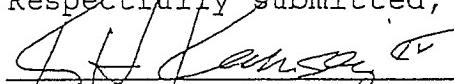
A. Directing the District Attorney's office to disclose to the defense counsel disciplinary incidents in all schools or colleges which she attended, arrests by law enforcement officers whether or not they led to prosecution or conviction, and interviews with mental health personnel of any type:

B. Directing the State's witness, Ms. Amber Money, to undergo some other scientifically accurate means of truth determination such as the polygraph or sodium pentothal;

C. Directing the State's witness to undergo a physical and medical examination to be conducted by a medical doctor at the State's expense. Said examination will be conducted for the purposes of determining whether there had been sexual contact.

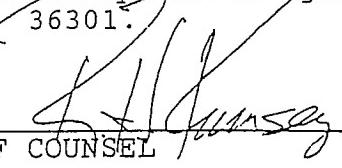
D. For such other and further relief as this Court deems appropriate.

Respectfully submitted,

  
 RICHARD H. RAMSEY, IV  
 ATTORNEY FOR DEFENDANT  
 401 N ALICE STREET  
 DOTHAN, ALABAMA 36303  
 205-794-4154

CERTIFICATE OF SERVICE

This is to certify that I have this 27 day of Aug, 1994, served Opposing Counsel with the foregoing Motion by forwarding a copy of same, properly addressed and postage prepaid to the District Attorney, Mr. Douglas Valeska, P. O. Box 1632, Dothan, Alabama 36301.

  
 OF COUNSEL

## IN THE CIRCUIT COURT OF HENRY COUNTY

STATE OF ALABAMA,

\*

PLAINTIFF,

\*

VS.

\*

CASE NO.:CC-94-65  
THROUGH CC-94-70

B. C. MONEY,

\*

DEFENDANT.

\*

MOTION FOR STATE TO DISCLOSE  
EVIDENCE FAVORABLE TO THE DEFENDANT

COMES NOW the Defendant, B.C. MONEY, by and through his undersigned attorney, RICHARD H. RAMSEY, IV, and hereby moves this Court to require the State to produce all evidence and material in their possession favorable to the Defendant either of a direct or impeaching nature, and in this regards, Defendant specifically alleges that he is entitled to be afforded with the following items, information and details, to-wit:

1. Copies of all statements allegedly made by any witnesses, whether oral, written, taped, recorded or in whatever form that the prosecution either intends to introduce into evidence or to rely upon at the trial of the case.

2. The total and complete list of all persons interviewed in the entire investigation and the name of the person or persons conducting such interview, together with a copy of the interview or a correct amount of same.

3. Any officer or employee of the State, County, Sheriff's or District Attorney's Office.

4. A complete and detailed list of all of the State's witnesses.

5. Any and all written reports, to include all medical reports, from all doctors, specifically any and all findings regarding such examination which were done within the last six months, or any physical evidence that is in possession of the State or the prosecution relative to this case or the investigation thereof.

6. A detailed description of all physical items other than documents and pictures which the prosecution anticipates using in the trial of the named Defendant and the exact place where and under whose custody such items are being held.

There may be other items and matters of evidence, information and data in existence that are not enumerated aforesaid and of which movant is unaware, but in any event, movant now requests and demands that he be afforded with any

and all evidence and information, whether specifically delineated and listed herein or not, that may be materially favorable to Defendant in either a direct or impeaching manner or relevant to punishment which falls within the context of Brady v. Maryland, 373 U.S. 83, S.Ct. 1194, 10 L.Ed.2d 215 (1968).

Defendant requests;

(a) That an evidentiary hearing be held on this Motion in order that a proper foundation may be laid as to what evidence, information and date is in possession of the State and prosecution, and that the State be directed to make such disclosures immediately;

(b) If all items requested are not disclosed, Defendant requests that all of the State's reports, statements, photographs, files and all other items specified herein should be properly identified, and examined in camera by the Court and that the Court turn over to defense counsel all such material which the Court finds to be favorable to the Defendant as to innocence or punishment;

(c) That the duty of the District Attorney to disclose pursuant to his Motion shall be continuing up until and through the trial.

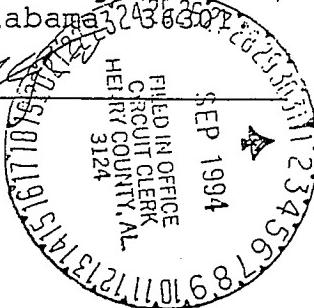
Dated this the 30

RICHARD H. RAMSEY, IV  
ATTORNEY FOR DEFENDANT  
401 N. ALICE STREET  
DOOTHAN, ALABAMA 36303  
205-794-4154

CERTIFICATE OF SERVICE

*[Signature]* This is to certify that I have this 30 day of  
July, 1994, served Opposing Counsel with the foregoing  
Motion, by forwarding a copy of same, via United States Mail,  
postage prepaid, properly addressed to Mr. Doug Valeska,  
District Attorney, P. O. Box 1632, Dothan, Alabama <sup>12360P</sup>.

OF COIN SET



HARD H. RAMSEY, III  
401 LICE ST.  
JTHAI JAMA 36302  
205-944154

IN THE CIRCUIT COURT OF HENRY COUNTY, ALABAMA

STATE OF ALABAMA, )

PLAINTIFF, )

VS. )

B. C. MONEY, )

DEFENDANT. )

CC 94-65 through 70  
CASE NO. DC 94-370

OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE  
OF PSYCHIATRIC HISTORY AND PSYCHOLOGICAL  
AND MEDICAL EXAMINATION OF AMANDA HADDAN  
AND AMBER CELESTE MONEY

Comes now the State of Alabama, by and through the District Attorney, and objects to defendant's motion for disclosure of psychiatric history and psychological and medical examination of Amanda Haddan and Amber Celeste Money, and for grounds says:

1. Defendant is charged with Rape, First Degree, of Amanda Haddan, who is an eight year-old child. Defendant is charged with Rape, First Degree (3 counts) and Sexual Abuse, First Degree (2 counts) of Amber Celeste Money, who is a seven year-old child.

2. Defendant has requested that these children be forced to submit to an unlimited barrage of psychiatric, psychological and medical testing. Defendant further requested that they be subjected to sodium pentothal injection or polygraph examination. Defendant's request is not proper under the law of Alabama or the Constitution of the United States. In fact, defendant has failed to

cite any legal authority in support of this extraordinary request.

3. The law of Alabama clearly holds that the defendant's request for psychological, psychiatric and medical testing of a child is improper, and should be prohibited by the trial court. In Barger v. State, 562 So. 2d 650 (Ala. Crim. App. 1989), the defendant sought to compel a child sexual abuse and sodomy victim to submit to psychological testing. The defendant in Barger, like the defendant in the present case, argued that such is proper in order to impeach and disclose bias on the part of the child victim. The Court of Criminal Appeals rejected this argument and held that because "a trial judge is without authority to require a witness to submit to an interview with defense counsel, it necessarily follows that he has no authority to order a child victim-witness to submit to a psychological examination, a much more invasive procedure." Barger, 562 So. 2d at 654-56. The Court further held that the defendant's right to cross-examination of the child is sufficient to expose any bias. Id. at 656.

3. Likewise, defendant is not entitled to compel a child victim-witness to submit to a medical examination. In Lanton v. State, 456 So. 2d 873 (Ala. Crim. App. 1984), the Court held that, "It may well be doubted, in cases of rape and cognate offenses, whether the court has the

26-

power to make an order compelling the inspection of the private person of a prosecutrix in the event of her refusal to submit to such examination. If such right exists at all, we hold it to be a matter of judicial discretion with the trial court, to be exercised only in cases of extreme necessity, and not a subject of review on appeal to the court". (emphasis added) The Court concluded that a defendant's mere assertion that an examination could be exculpatory is insufficient for such an extraordinary order. Lanton, 456 So. 2d at 874.

4. Defendant's request for disclosure of school disciplinary and arrest records of these two children is wholly improper. Defendant's motion for disclosure is merely a discovery request. As stated by the Courts of Alabama on many occasions, there is no constitutional right to discovery in a criminal case. See, Mardis v. State, 423 So. 2d 331 (Ala. Crim. App.) (mere assertion that such is necessary for impeachment is insufficient). In Davis v. State, 554 So. 2d 1094 (Ala. Crim. App. 1986), the Court held that a trial court's refusal to order disclosure of the criminal record of witnesses is not a violation of Brady v. Maryland. In the present case, the defendant has not even attempted to offer a legitimate reason for the disclosure of such records, if they exist, of a seven year old girl and an eight year old girl.

5. Each of the defendant's requests are highly intrusive on the person of the child victims. Such probing of physical and mental examinations of seven year-old and eight year-old girls are clearly unnecessary in the present case under conceivable scenario. The defendant's rights are wholly protected through the right of cross-examination and the right of confrontation of the State's witnesses at trial. Furthermore, the defendant's motion is not proper under the law. In all reported cases similar to the present case, such requests by defendants have been rejected by the courts.

Wherefore, the State of Alabama requests that this Court deny defendant's motions for disclosure of psychiatric history and for psychological and medical examination of Amanda Haddan and Amber Celeste Money.

*Douglas Albert Valeska*  
Douglas Albert Valeska  
District Attorney



CERTIFICATE OF SERVICE

I, Douglas Albert Valeska, District Attorney, hereby certify that I have this date served a copy of the foregoing on the Honorable Richard Ramsey IV, by placing a copy of the same in his courthouse mailbox located in the Houston County Courthouse, Dothan, Alabama on this 1<sup>st</sup> day of August, 1994.

Soft.

Dra. María Valentina

Douglas Albert Valeska  
District Attorney



STATE OF ALABAMA, ) IN THE CIRCUIT COURT OF  
PLAINTIFF, ) HENRY COUNTY, ALABAMA  
VS. )  
B. C. MONEY, )  
DEFENDANT. ) CA NOS. CC 94-065 thru 070

## ORDER

I have denied the Defendant's motion to have Amber Money subjected to a psychiatric examination and to disclose her psychiatric history.

ORDERED August 31, 1994.

MICHAEL CRESPI  
MICHAEL CRESPI, CIRCUIT JUDGE

*Filed 9/7/94  
Clerk  
Crespi*

STATE OF ALABAMA, ) IN THE CIRCUIT COURT OF  
PLAINTIFF, ) HENRY COUNTY, ALABAMA  
VS. )  
B.C. MONEY, SR., )  
DEFENDANT. ) CA NOS. CC 94-065 thru 070

## ORDER

I have considered the Defendant's motion to disclose evidence favorable to the Defendant before entering this order.

1. I have denied the request for statements contained in paragraph 1 of the discovery motion, except insofar as it relates to statements of the Defendant or statements containing exculpatory information.

2. I have denied disclosure as to the matters referred to in paragraphs 2 through 4 of the Defendant's motion.

3. I have denied disclosure as to the matters set out in paragraph 5 of the Defendant's motion except insofar as they may be discoverable pursuant to Rule 16.1(d), Alabama Rules of Criminal Procedure, or insofar as they may be exculpatory in nature.

4. I have granted disclosure as to the items listed in paragraph 6 of the Defendant's motion.

5. I have denied the request for in camera inspection and for an evidentiary hearing.

ORDERED September 8, 1994.

*michael crespi*  
MICHAEL CRESPI, CIRCUIT JUDGE

*PA  
Atty*

STATE OF ALABAMA, ) IN THE CIRCUIT COURT OF  
PLAINTIFF, ) HENRY COUNTY, ALABAMA  
VS. )  
B.C. MONEY, SR., ) CASE NO.:CC-94-065 THRU  
DEFENDANT. ) 070

MOTION TO DISMISS

COMES NOW the Defendant and files this his Motion to Dismiss indictments dated July, 1994 and as grounds therefore would say as follows:

1. The dates alleged in the indictments fail to specify dates on which the alleged offenses occurred.
2. Without the knowledge of the specific dates the Defendant is unable to prepare a proper defense.

Respectfully submitted,

  
RICHARD H. RAMSEY, IV  
ATTORNEY FOR DEFENDANT  
401 N ALICE STREET  
DOTHAN, ALABAMA 36303

CERTIFICATE OF SERVICE

This is to certify that I have this 12 day of October, 1994, served Opposing Counsel with the foregoing Motion, by forwarding a copy of same, via United States Mail, postage prepaid, properly addressed to Mr. Doug Valeska, District Attorney, P. O. Box 1632, Dothan, Alabama 36301.

  
OF COUNSEL

94-156

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
PLAINTIFF,	)	HENRY COUNTY, ALABAMA
VS.	)	
B.C. MONEY, SR.,	)	CASES NO.:CC-94-065 THRU
DEFENDANT.	)	070

MOTION TO COMPEL THE DEPARTMENT OF HUMAN RESOURCES TO  
PRODUCE RECORDS AND REPORTS

COMES NOW, the Defendant, B. C. MONEY, by and through his attorney of record, RICHARD H. RAMSEY, IV, and requests this Honorable Court to compel the reports, computer evaluations and any other documents in the possession of its agents, central agencies or in the Central Registry of Child abuse, pertaining to AMBER CELESTE MONEY, AMANDA HADDAN and/or B. C. MONEY, and shows for cause the following:

1. That the Defendant is the Grandfather of AMBER CELESTE MONEY. The Defendant is not related to the Complainant, AMANDA HADDAN.

2. That all of said documents, pictures and articles are relevant, significant and constitute substantial material evidence and will be useful to the named Defendant as evidence upon his trial concerning (Rape 1st degree and Sexual Abuse, 1st degree) of the above named children.

3. That the named Defendant cannot safely go to trial on this matter without the production of said documents and in their absence will be denied the due process of laws as guaranteed by Article I, Section VI, of the Constitution of the State of Alabama and the Constitution of the United States of America made applicable to the States through the due process clause of the Fourteenth Amendment of the United States Constitution.

4. That without the production of the documents referred to above, the Defendant's counsel will not be able to effectively represent him in the above styled matter; and thus he will be denied the right of counsel which is guaranteed to him under the provisions of Article I, Section VI, of the Alabama Constitution, and the Sixth Amendment of the United States Constitution made applicable to the due process clause of the Fourteenth Amendment of the United States Constitution

5. That the above mentioned requested materials are in the possession of the Department of Human Resources and that the Defendant is entitled to said documents established under the Central Registry by the code of Alabama (1975) 26-14-8(b)(8).

WHEREFORE, the named Defendant prays:

(a) That the Department of Human Resources be required to produce all documents and other evidence referred to above.

(b) That the Department of Human Resources be required to make the above requested materials available to the Defendant's attorney, RICHARD H. RAMSEY, IV, before the commencement of the trial of the above styled matter.

(c) That if any part of said documentary evidence is not made available to the named Defendant prior to the commencement of the trial of the above styled matter, then without waiving his right to the production of said evidence prior to his trial, the Defendant respectfully moves the Court for an Order directing the Department of Human Resources to produce all such documents and evidence and to submit the same to his counsel at the trial.

(d) Without waiving the foregoing, the Defendant requests that an exact copy be made of each item which not to be presented to his counsel and that the same be sealed and included in the record of this case for the purpose of insuring effective review of the Court's denial of the Defendant's previous request for disclosure.

(e) That the Court shall use whatever further sanctions available to the Court should the Department of Human Resources fail in part or in whole to produce the above stated.

(f) If the Court does not grant the above request, the Defendant, without waiving his right to have all said documents, pictures and other information produced for the use of his counsel in preparation for and at trial; the Defendant demands that the Trial Court conduct an in camera examination of said documents, pictures and other information to determine which the Defendant's Counsel shall be permitted to use in the preparation for trial and at trial. The defendant further demands that the Trial Court order the Department of Human Resources to produce any of documents, pictures and other information said Trial Court determines, by "in camera examination" to be favorable or exculpatory to Defendant as to the allegations in the above styled matter, or for the purpose of impeaching or questioning the fitness any witness expected to testify, prior to trial and to allow the Counsel for the defendant to reproduce or copy the same.

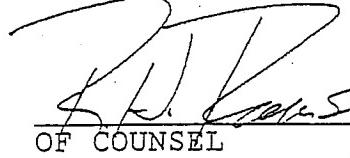
(g) That the duty of the Department of Human Resources to disclose pursuant to this Motion be considered as continuing, up until and through the trial and post judgment proceedings.

Respectfully Submitted,

  
RICHARD H. RAMSEY, IV  
ATTORNEY FOR DEFENDANT  
401 N ALICE STREET  
DOTHAN, ALABAMA 36303  
205-794-4154

CERTIFICATE OF SERVICE

This is to certify that I have this the 21st day of October, 1994 served Opposing Counsel with the foregoing Motion, by forwarding a copy of same via United States Mail, postage prepaid, properly addressed to Mr. Doug Valeska, District Attorney, P. O. Box 1632, Dothan, Alabama 36301.

  
OF COUNSEL

9 OCT 28 AM 9 32

FILED IN OFFICE  
CIRCUIT CLERK  
HENRY COUNTY ALABAMA

STATE OF ALABAMA, ) IN THE CIRCUIT COURT OF  
PLAINTIFF, ) HENRY COUNTY, ALABAMA  
VS. )  
B. C. MONEY, SR., )  
DEFENDANT. ) CA NOS. CC 94-065 thru 070

ORDER

The Henry County Department of Human Resources will produce its records concerning any complaints made against the Defendant in respect of either of the children named in the Defendant for in camera inspection by the court on November 4, 1994, at 9:00 A.M.

ORDERED October 31, 1994.

*Michael Crespi*  
MICHAEL CRESPI, CIRCUIT JUDGE

*filed 94  
11-4-94  
C. Burleson*

*P  
DHR  
RRH*

STATE OF ALABAMA,

VS.

B.C. MONEY,

\* IN THE CIRCUIT COURT OF

\* HENRY COUNTY, ALABAMA

\* CC-94-65, 66, 67, 68, 69, 70

\*

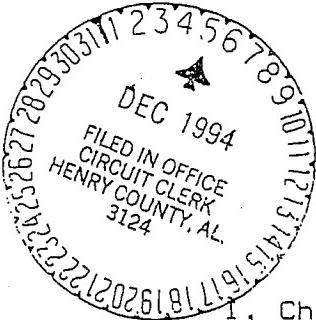
MOTION TO CONSOLIDATE

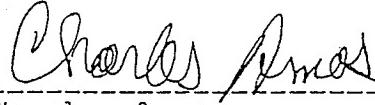
Comes now the State of Alabama, by and through the District Attorney for the Twentieth Judicial Circuit, and moves this Honorable Court pursuant to Rule 13.3(c) of the Alabama Rules of Criminal Procedure to consolidate the above styled cases for trial and for reason shows as follows:

1. In the above styled cases the Defendant with Rape I, Rape, I, Rape I, Sexual Abuse I, Rape I and Sexual Abuse I.
2. The offenses are the same in character and/or,
3. The offenses are based on the same type conduct and/or,
4. The offenses were a part of a common scheme or plan.

Wherefore premises considered the State moves this Honorable Court to consolidate the above styled cases for trial.

Submitted this the 5th day of December, 1994.



  
Charles Amos  
Assistant District Attorney

CERTIFICATE OF SERVICE

I, Charles Amos, do hereby certify that I have this date served a copy of the foregoing upon the Honorable Richard Ramsey IV, by placing a copy of the same in the U.S. mail properly addressed and postage prepaid on this the 5th day of December, 1994.

  
Charles Amos

## IN THE CIRCUIT COURT OF HENRY COUNTY, ALABAMA

STATE OF ALABAMA, )  
 PLAINTIFF, )  
 VS. ) CASE NO.:CC-94-065 THRU 070  
 B.C. MONEY, )  
 DEFENDANT. )

DEFENDANT'S OBJECTION TO  
MOTION TO CONSOLIDATION

COMES NOW, the Defendant, B.C. Money, by and through his undersigned attorney, Richard H. Ramsey, IV, and files this his Objection to Motion to Consolidation and as grounds therefore would say as follows:

1. Defendant would be greatly prejudiced if the State were to be allowed to try all six cases against him simultaneously.
2. The alleged offenses involve two separate victims.
3. The alleged offenses according to the indictments brought against the Defendant took place at a completely different times and places.
4. By allowing the State to proceed with all six cases against the Defendant simultaneously would subject the Defendant to the shotgun effect on the jury. The jury would be more likely to convict on any one charge if all were tried together.

*Respectfully submitted,*

*R.H. Ramsey*  
 RICHARD H. RAMSEY, IV  
 ATTORNEY FOR DEFENDANT  
 401 N ALICE STREET  
 DOTHAN, ALABAMA 36301  
 205-794-4154

CERTIFICATE OF SERVICE

This is to certify that I have this the 7 day of December, 1994, served Opposing Counsel with the foregoing by forwarding a copy of same, via United States Mail, postage prepaid, properly addressed to Mr. Doug Valeska, District Attorney, P. O. Box 1632, Dothan, Alabama 36301.

*R.H. Ramsey*  
 OF COUNSEL

STATE OF ALABAMA,

VS.

B.C. MONEY,

\* IN THE CIRCUIT COURT OF  
\* HENRY COUNTY, ALABAMA  
\* CC-94-65, 66, 67  
\* 68, 69, 70

MOTION TO CONSOLIDATE

Comes now the State of Alabama, by and through the District Attorney for the Twentieth Judicial Circuit, and moves this Honorable Court pursuant to Rule 13.3(c) of the Alabama Rules of Criminal Procedure to consolidate the above styled cases for trial and for reason shows as follows:

1. In the above styled cases the Defendant is charged with four counts of rape 1st degree and two counts of sexual abuse 1st degree.
2. The offenses are the same in character and/or,
3. The offenses are based on the same type conduct and/or,
4. The offenses were a part of a common scheme or plan.

Wherefore premises considered the State moves this Honorable Court to consolidate the above styled cases for trial.

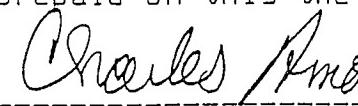
Submitted this the 2nd day of March, 1995.



  
Charles Amos  
Assistant District Attorney

CERTIFICATE OF SERVICE

I, Charles Amos, do hereby certify that I have this date served a copy of the foregoing upon the Honorable Richard Ramsey IV, by placing a copy of the same in the U.S. mail properly addressed and postage prepaid on this the 2nd day of March, 1995.

  
Charles Amos

IN THE CIRCUIT COURT OF HENRY COUNTY, ALABAMA

STATE OF ALABAMA, )  
                        )  
PLAINTIFF,           )  
                        )  
VS.                   )     CASE NOS. CC-94-065 thru 070  
                        )  
B.C. MONEY, SR.,     )  
                        )  
DEFENDANT.           )

MOTION TO CONTINUE

COMES NOW the Defendant, B.C. Money, Sr., by and through his undersigned attorney and files this his Motion to Continue, and as grounds therefore would say as follows:

1. Counsel for the Defendant has this date received notice that the Defendant's cases are set for Trial on March 20th, 1995.
2. Counsel for Defendant has previously been notified that he is to appear in the Circuit Court of Geneva County, Alabama on March 20th, 1995 at 9:00 A.M. for a Criminal Trial.
3. Counsel for the Defendant anticipates that this Trial will take 2-3 days.
4. The Defendant has not previously requested a continuance in this matter.
5. Defendant's Motion for Continuance is not made to delay his Trial.

WHEREFORE, the above premises considered, Defendant respectfully requests this Court to grant his Motion to Continue his cases to the next available Henry County Criminal Court Term.

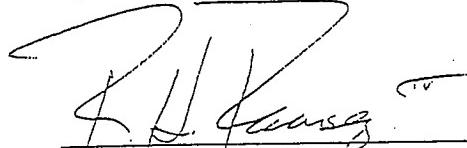
Respectfully Submitted,

Richard H. Ramsey, IV  
Attorney for Defendant  
401 N. Alice Street  
Dothan, Alabama  
(334) 794-4154



CERTIFICATE OF SERVICE

This is to certify that I have this 3rd day of March, 1995, served Opposing Counsel with the foregoing by forwarding a copy of same, via United States Mail, postage prepaid, properly addressed to Mr. Douglas A. Valeska, District Attorney, P.O. Box 1632, Dothan, Alabama 36301.

  
\_\_\_\_\_  
Of Counsel

94-156

RAMSEY COURT  
401 N. ALICE ST.  
P. O. BOX 1825  
DOTHON, ALABAMA 36302  
794-4154

IN THE CIRCUIT COURT OF HENRY COUNTY, ALABAMA

STATE OF ALABAMA, )  
PLAINTIFF, )  
VS. ) CASE NO.:CC-94-065 THRU 070  
B.C. MONEY, )  
DEFENDANT. )

DEFENDANT'S ADDITIONAL OBJECTION TO  
MOTION TO CONSOLIDATION

COMES NOW, the Defendant, B.C. Money, by and through his undersigned attorney, Richard H. Ramsey, IV, and files this his Objection to Motion to Consolidation and as grounds therefore would say as follows:

1. Defendant would be greatly prejudiced if the State were to be allowed to try all six cases against him simultaneously.

2. The alleged offenses involve two separate victims.

3. The alleged offenses according to the indictments brought against the Defendant took place at a completely different times and places.

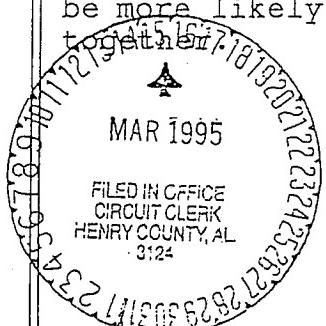
4. By allowing the State to proceed with all six cases against the Defendant simultaneously would subject the Defendant to the shotgun effect on the jury. The jury would be more likely to convict on any one charge if all were tried together.

Respectfully submitted,

RICHARD H. RAMSEY, IV  
ATTORNEY FOR DEFENDANT  
401 N ALICE STREET  
DOTHAN, ALABAMA 36301  
205-794-4154

CERTIFICATE OF SERVICE

This is to certify that I have this the \_\_\_\_\_ day of March, 1994, served Opposing Counsel with the foregoing by forwarding a copy of same, via United States Mail, postage prepaid, properly addressed to Mr. Doug Valeska, District Attorney, P. O. Box 1632, Dothan, Alabama 36301.



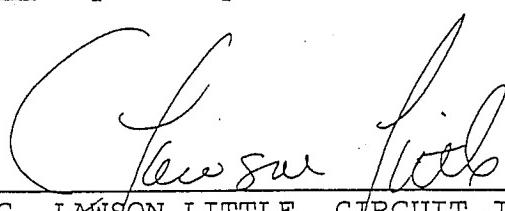
STATE OF ALABAMA ) IN THE CIRCUIT COURT OF  
VS ) HENRY COUNTY, ALABAMA  
B. C. MONEY ) CASE NO. CC 94-065

TO: LAWTON ED ARMSTRONG, AS SHERIFF OF HENRY COUNTY, ALABAMA  
and THE STATE OF ALABAMA, BOARD OF CORRECTIONS

It being made known to the Court that the above styled cause  
is set for trial in this Court on October 2, 1995, and that Todd  
Money (AIS 171204B107) is in the custody of the Alabama Department  
of Corrections, (Elmore Correctional Facility) and that his presence  
is necessary at the trial of this case as a witness, it is  
therefore,

ORDERED that the Sheriff of Henry County, Alabama, bring him  
under safe and secure conduct to the Circuit Court in his custody,  
so that he can appear at the aforesaid trial in Abbeville, Henry  
County, Alabama. After said witness has testified in this cause,  
you are requested to transport him back to the custody of the Board  
of Corrections, State of Alabama.

DONE AND ORDERED this 25<sup>th</sup> day of September, 1995.

  
C. LAWSON LITTLE, CIRCUIT JUDGE  
TWENTIETH JUDICIAL CIRCUIT OF  
ALABAMA

Filed in office this 27<sup>th</sup> day  
of Sept., 1995.

Connie Burdeshaw  
Clerk

*General Rec'd on 8/25  
SO  
Chas Anna X  
RHR*

STATE'S REQUESTED JURY CHARGE NO.

The force required to consummate rape in the first degree is necessarily relative. The force required to consummate the crime against a mature female is not the standard for application in a case in which the alleged victim is a child under 13 years of age.

Pittman v. State, 460 So. 2d 232, 235 (Ala. Crim. App. 1984)

Parks v. State, 587 So. 2d 1015, 1016 (Ala. Crim. App. 1991)

*ccc*

✓ Given

       Refused

STATE'S REQUESTED JURY CHARGE NO. 2

The element of forcible compulsion may be satisfied where an implied threat serves as motivation for the victim to engage in sexual intercourse.

Smith v. State, 601 So. 2d 201, 204 (Ala. Crim. App. 1992)

✓ Given CC

       Refused

STATE'S REQUESTED JURY CHARGE NO. 3

The element of forcible compulsion must be viewed in  
the framework of the child's age and point of view.

Lee v. State, 586 So. 2d 264, 266 (Ala. Crim. App. 1991)

✓ Given CC

       Refused

STATE'S REQUESTED JURY CHARGE NO.

4

To constitute rape, the degree of force used need not be such as to place the victim under such reasonable apprehension of death or bodily harm as to overpower her will, it being sufficient that she was under such duress that the act was accomplished against her consent.

Lee v. State, 586 So. 2d 264, 266 (Ala. Crim. App. 1991)

✓ Given CLC

       Refused

STATE'S REQUESTED JURY CHARGE NO. 5

The force necessary to be used, to constitute the crime of rape, need not be actual, but may be constructive or implied. An acquiescence to the act obtained through duress, or fear of personal violence, is constructive force, and the consummation of unlawful intercourse by the man thus obtained would be rape.

Lee v. State, 586 So. 2d 264, 266 (Ala. Crim. App. 1991)

✓ Given C ~

       Refused

STATE'S REQUESTED JURY CHARGE NO.

6

The mere fact that a child makes no effort to resist a sexual confrontation does not mean that "force" is not present.

Powe v. State, 597 So. 2d 721, 725 (Ala. Crim. App. 1991)

✓ Given ✓

Refused

STATE'S REQUESTED JURY CHARGE NO.

7

The phrase "forcible compulsion" includes not <sup>only</sup> physical force or violence, but also the act of using superior force - physical, moral, psychological, or intellectual-to compel a person to do a thing against that person's volition and/or will.

Powe v. State, 597 So. 2d 721, 727 (Ala. Crim. App., 1991)

✓ Given

       Refused

STATE'S REQUESTED JURY CHARGE NO.

8

The totality of the circumstances may be considered in determining whether an implied threat of force existed for purpose of the element of forcible compulsion. The factors that may be considered include:

- (1) The age of the victim
- (2) The respective mental and physical conditions of the victim and accused
- (3) The location where the alleged act occurred
- (4) The atmosphere at the location where the alleged act occurred
- (5) The extent to which the accused may have been in a position of authority, domination, or custodial control over the victim
- (6) Whether the victim was under duress

Powe v. State, 597 So. 2d 721 (Ala. Crim. App. 1991)

✓ Given C C

                 Refused

STATE'S REQUESTED JURY CHARGE NO. 9

Whether the accused was in a position of authority includes factors such as whether the accused ever disciplined the victim, whether the accused ever acted in a parental role over the victim, whether the accused ever had custody of the victim, whether a relationship of trust existed between the accused and the victim.

Powe v. State, 597 So. 2d 721 (Ala. Crim. App. 1991)

/ Given cvr

\_\_\_\_ Refused

STATE'S REQUESTED JURY CHARGE NO. 10

When a defendant who plays an authoritative role in a child's world instructs the child to submit to certain acts; an implied threat of some sort of disciplinary action accompanies the instruction.

Powe v. State, 597 So. 2d 721, 728-729 (Ala. Crim. App. 1991)

✓ Given ✓

       Refused

~~0001~~ ✓  
0002 ✓  
0003 ✓  
0004 BLANKENSHIP CATHY B X 6421  
0005 BOSTICK ROGER D X 693-3754  
0006 BROOKINS BETTY J X  
0007 BURKE GWENDOLYN B X  
0008 FEGGING WILLIAM H X  
0009 FLOYD FUTCHER M X  
0010 ~~FRASER ALICE L~~ FTA  
0011 GIBBS RONNIE F X 6713  
0012 GLANTON CHARLIE R ✓  
~~0013~~ ✓  
~~0014~~ ✓  
~~0015~~ ✓  
0016 HUGHES JOSEPH V X  
0017 HUGHES STEPHEN S ✓  
0018 KERRS ROBERT L ✓ DISM  
0019 ~~KRATIG WILLIAM B~~ FTA  
0020 KNIGHT JAMES E X Alternate  
0021 ~~KROWLES JEREEZ G~~ Struck for c  
0022 LISENBY JASON C X 585-3187  
0023 ~~LIVANONE~~ ✓  
0024 ~~MANCINI FRANCIS A~~ ✓  
0025 ~~MATTHEWS TRACEY~~ ✓  
0026 ~~MATTHEWS TRAVIS R~~  
0027 ~~MATTHEWS TRAVIS R~~  
0028 ~~MATTHEWS TRAVIS R~~  
0029 MORING BILLY X 2711  
0030 MORING DANIEL S  
0031 OWENS MELINDA C  
0032 PARFETH NATHAN J  
0033 PAULIPS SARAH S

0033 FREDERICK LLOYD E  
0034 REYNOLDS GLORIA B  
0035 ROPER DE LARRY J  
0036 ROSS ROOSEVELT  
0037 SENECA LUCILLE A  
0038 SHELLEY LANSIE L  
0039 STURGEON CLINTON III  
0040 SMITH SHELIA W  
0041 SPONSELLENEA A  
0042 TAYLOR DEE G  
0043 THOMAS CHARLES E  
0044 VICKERS ANNETTE F  
0045 WALKER IRITA B  
0046 WHITESIDE RONALD T  
0047 WILSON DIANE H  
0048 YANCE CLARENCE A

$$\begin{array}{r} 23 \\ -12 \\ \hline 11 \end{array}$$

State of Alabama Unified Judicial System Form C-50 Rev 6/88	JURY VERDICT	Case Number CC-94-065
IN THE CIRCUIT COURT OF _____ HENRY		COUNTY
Plaintiff/State OF ALABAMA		v. Defendant B. C. MONEY, SR.
<p>We, the Jury, find the defendant, B. C. Money, Sr., guilty of Rape, 1st Degree, as charged in the indictment.</p>		
<p><u>Bonnie G. B. J. B.</u> Name of Foreman (please print) <u>Bonnie G. B. J. B.</u> Foreman Signature <u>Connie Burdette</u> Clerk of Circuit Court By:</p>		
<p>Date filed <u>Oct 6 - 95</u></p>		

## ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE# CC 94 000065 CO

IN THE CIRCUIT COURT OF HENRY COUNTY JUDGE: M-C  
 STATE OF ALABAMA VS MONEY P C SR  
 CASE# CC 94 000065 00 COLUMBIA AL 36319-0000  
 DOB: 03/22/28 RACE: W SEX: M HT: 000 WT: 000 HRT: EYE:  
 SSN: 420503187 ALIAS NAME:  
 CHARGE1: RAPE 1ST DEGREE CODE1: RAP1 LIT:RAPE 1ST DEGREE TYPE: F  
 CHARGE2: CODE2: 0000 TYPE: F  
 CHARGE3: CODE3: 0000 TYPE: F  
 MORE?: OFFENSE DATE: / / / AGENCY/OFFICER: 037000CHORMSSY  
 DATE WAR/CAP ISS: DATE ARRESTED: 04/06/94  
 DATE INDICTED: 07/27/94 DATE FILED: 08/01/94  
 DATE RELEASED: DATE HEARING: / / /  
 BOND AMOUNT: \$25,000.00 SURETIES:  
 DATE 1: 10/05/94 DESC: ARREST TIME: 0900 A  
 DATE 2: DESC: 0000 TIME: 0000  
 DEF ATTY: RAMSEY, RICHARD IV TYPE: A  
 PROSECUTOR:  
 CTN CASE: 9400034600 CHK/TICKET NO: GRAND JURY: 132  
 COURT REPORTER: STD NO: 000000000 OF IDL TME:  
 DEF STATUS: BOND JURY DEMAND:  
 RE: ACTIONS, JUDGMENTS, CASE NOTES

8-2-94 Request for PH filed by R. Ramsey IV  
 8-2-94 Order designating PH as most fsj/Woodham  
 8-17-94 Motion to revoke bond filed by state  
 8-17-94 motion to revoke set for hearing  
 on 8-19-94 at 9:00 a.m.  
 Clerk to notify: Woodham judge  
 8-19-94 Defendant having failed to appear at  
 his bond revocation the Sheriff is  
 directed to take the defendant into custody  
 and bring him before the Court  
 instantaneously. Woodham judge.

8-24-94 Amended to release order filed

06/08/94 MARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
08/01/94 FILED ON: 08/01/94 FILED  
08/01/94 CHG1 CHARGE ATTEMPTING OF: RAPE 1ST DEGREE  
08/01/94 BOND BOND SET FOR: \$25,000.00  
8/01/94 DAT1 CASE SET ON: 10/05/94 FOR: ARR AIGNMENT  
J8/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H. IV  
08/01/94 CAPS CAPIAS ISSUED 080194  
08/12/94 RELE DEFENDANT RELEASED ON: 08/12/94  
08/15/94 DOC1 DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1  
08/17/94 TEXT MOTION TO REVOKE BOND FILED BY STATE  
08/17/94 TEXT SET FOR BOND HEARING 8-19-94, 9 AM BY JUDGE WOODH  
08/17/94 DAT2 CASE SET ON: 08/19/94 FOR: BOND HEARING  
08/17/94 SUBP WITNESS SUBPOENA ISSUED  
08/19/94 TEXT ORDER FOR SHERIFF TO TAKE DEFT INTO CUSTODY AND  
08/19/94 TEXT BRING BEFORE COURT INSTANTER /S/ WOODHAM  
08/24/94 TEXT AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM  
08/26/94 TEXT WAIVER OF ARRAIGNMENT FILED BY R. RAMSEY IV  
08/26/94 TEXT MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND  
08/26/94 TEXT FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF  
08/26/94 TEXT STATE'S WITNESS FILED BY R. RAMSEY IV  
09/05/94 TEXT MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE  
09/01/94 TEXT TO THE DEFENDANT FILED BY R. RAMSEY IV  
09/01/94 TEXT OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE  
09/01/94 TEXT OF PSYCHIATRIC HISTORY AND PSYCHOLOGICAL AND  
09/01/94 TEXT MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER  
09/01/94 TEXT CELEST MONEY FILED BY D VALESKA  
09/07/94 TEXT ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI  
09/09/94 TEXT ORDER FILED /S/ CRESPI  
10/13/94 TEXT MOTION TO DISMISS FILED BY R. RAMSEY IV

10/14/94 Motion to dismiss denied Northway, July

06/08/94 ARRAS OF DEFENDANT ARRESTED ON: 06/08/94  
 07/29/94 INDT. OF DEFENDANT INDICTED ON: 07/29/94  
 08/01/94 FILED ON: 08/01/94 EFILED  
 08/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
 08/01/94 BOND: BOND SET FOR \$125,000.00  
 08/01/94 DAT1 CASE SET ON: 10/05/94 FOR ARRAIGNMENT  
 08/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H. IV  
 08/01/94 CAFS CAPIAS ISSUED 080194  
 08/12/94 RELE: DEFENDANT RELEASED ON: 08/12/94  
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 09/09/94 TEXT ORDER FILED /S/ CRESPI  
 10/13/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV  
 10/28/94 TEXT MOTION TO COMPEL THE DEPT OF HUMAN RESOURCES TO  
 10/28/94 TEXT PRODUCE RECORDS AND REPORTS FILED BY R RAMSEY IV

11-4-94 Order filed 15/ Crespi

11-5-94 Motion to Consolidate filed  
by C. Valeska

12-2-94 motion to Suppress filed  
by R. Ramsey IV

12/7/94 I have not received the files in these cases in time to  
set a consolidation hearing. I have therefore denied the  
motion to consolidate. Notify [Signature]

*P.R.H.*

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
08/01/94 FILED ON: 08/01/94 FILED  
8/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
8/01/94 BOND BOND SET FOR: \$25,000.00  
08/01/94 DAT1 CASE SET ON 10/05/94 FOR: ARRAIGNMENT  
08/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H, IV  
08/01/94 CAPS CAFIAS ISSUED  
08/12/94 RELE DEFENDANT RELEASED ON: 08/12/94  
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08/19/94 TEXT BRING BEFORE COURT INSTANTLY /S/ WOODHAM  
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TO THE DEFENDANT FILED BY R RAMSEY IV  
09/01/94 TEXT OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE  
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MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER  
CELEST MONEY FILED BY D VALESKA  
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10/13/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV  
10/28/94 TEXT MOTION TO COMPEL THE DEPT OF HUMAN RESOURCES TO  
PRODUCE RECORDS AND REPORTS FILED BY R RAMSEY IV  
10/28/94 TEXT ORDER FILED /S/ CRESPI  
11/04/94 TEXT  
11/18/94 DAT1 CASE SET ON 12/19/94 FOR TRIAL  
11/21/94 DOCK DOCKET NOTICE MAILED ON 11/21/94  
12/02/94 TEXT MOTION TO SUPPRESS FILED BY RAMSEY IV  
12/05/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
12/05/94 SUBP WITNESS SUBPOENA ISSUED  
12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATION,  
FILED BY R RAMSEY IV

12/21/94 Continued unreachd by telephone

IN THE CIRCUIT COURT OF HENRY COUNTY JUDGE CLE  
STATE OF ALABAMA VS MONEY B C SR

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
08/01/94 FILED ON 08/01/94 FILED  
08/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
08/01/94 BOND BOND SET FOR: \$25,000.00  
08/01/94 DAT1 CASE SET ON 10/05/94 FOR ARRAIGNMENT  
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10/28/94 TEXT MOTION TO COMPEL THE DEPT OF HUMAN RESOURCES TO  
10/28/94 TEXT PRODUCE RECORDS AND REPORTS FILED BY R RAMSEY IV  
11/04/94 TEXT ORDER FILED /S/ CRESPI  
1/18/94 DAT1 CASE SET ON 12/19/94 FOR TRIAL  
1/21/94 DOCK DOCKET NOTICE MAILED ON 11/21/94  
12/02/94 TEXT MOTION TO SUPPRESS FILED BY RAMSEY IV  
12/05/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
12/05/94 SUBP WITNESS SUBPOENA ISSUED  
12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATION  
12/13/94 TEXT FILED BY R RAMSEY IV  
12/15/94 SUBP WITNESS SUBPOENA ISSUED  
12/21/94 TEXT CONTINUED UNREACHED  
02/24/95 DAT1 CASE SET ON 03/20/95 FOR TRIAL  
03/01/95 DOCK DOCKET NOTICE MAILED ON 03/02/95  
03/02/95 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
03/06/95 TEXT MOTION TO CONTINUE FILED BY R RAMSEY IV

3/8/95 - State's motion to consolidate is granted - Defendant  
has 10 days to file an objection. Defendant's motion to continue is denied -  
Notify - L. Miller, Judge

PFL

IN THE CIRCUIT COURT OF HENRY COUNTY JUDGE CLE  
STATE OF ALABAMA VS MONEY B.C. SR

03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	SUBP	WITNESS SUBPOENA ISSUED
03/13/95	TEXT	DEFENDANT'S ADDITIONAL OBJECTION TO MOTION
03/15/95	TEXT	TO CONSOLIDATE FILED BY R RAMSEY IV

3-16-95 P RRV Defendant's Additional Objection to Consolidation  
is denied. Notify. *J. Little, Judge*

3-21-95 Close Courtship Order filed in Land  
State - *J. Little, Judge*

CASE ACTION SUMMARY  
CONTINUATION

CC - 94-065  
ID YR Number

Style:

B. C. Money, Jr.

Page Number \_\_\_\_\_ of \_\_\_\_\_ Pages

DATE	ACTIONS, JUDGMENTS, CASE NOTES
	<p>10-6-95</p> <p>Defendant heretofore having been indicted and arraigned upon an indictment on a charge of <u>Rape 1st degree</u> and heretofore having plead not guilty thereto issue joined on said plea. The Court convenes a jury of good and lawful men and women, to-wit, <u>Bonnie F. Gibbs</u> and eleven others, who being duly impaneled, sworn and charged by the Court according to law before whom the trial of this cause was entered upon and continued from day to day and from time to time, it is the finding of <u>B. C.</u></p> <p><u>B. C. Money, Jr.</u>, being in open Court with his attorney at each and every stage and turn of the proceedings in this cause, now on this the <u>6<sup>th</sup></u> day of <u>Oct.</u>, 19<u>95</u>; said jurors upon their oaths do say:</p> <p>"WE, THE JURY, FIND THE DEFENDANT GUILTY OF <u>Rape 1st</u> AS CHARGED IN THE INDICTMENT."</p> <p><u>Judge</u></p>
10-6-1995	<p>in accordance with the verdict of the Jury, Defendant is hereby adjudged guilty of <u>Rape 1st</u> as charged in the indictment. Defendant being asked if he had anything to say why the sentence of law should not be pronounced upon him, the Defendant says nothing but pre-sentence report is requested by <u>Deft</u>.</p> <p>Hearing set for <u>10-27-1995</u> at <u>9:00 A.M.</u> <u>10-27-1995</u>, <u>1995</u>. The Court therefore adjudges the Defendant guilty of <u>Rape 1st</u>.</p> <p><u>Judge</u></p> <p>The Defendant and his Attorney being in open Court and being asked by the Court if he has anything to say why the sentence of law should not be pronounced upon him, says nothing. It is therefore considered by the Court and it is the judgement and sentence of the Court that this Defendant be imprisoned in the penitentiary of the State of Alabama for a period of <u>99 years</u>. Defendant is further ordered to pay a fine of _____ restriction in the amount of _____ to <u>TBD</u> and a victim compensation assessment of <u>\$00.00</u>. Defendant is given credit for days spent incarcerated pending trial.</p> <p><u>Judge</u></p>

Style:

B.C. Money, Jr.

Page Number \_\_\_\_ of \_\_\_\_ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

11-3-95

Chris Maddox appointed to represent deft  
on appeal

Document 16-2 Filed 05/09/2008 Page 69 of 108  
**AFFIDAVIT of SUBSTANTIAL  
HARDSHIP**

Case Number  
05  
JG-065-070

IN THE CIRCUIT COURT OF HENRY Co. ALABAMA  
(Circuit, District, or Municipal)  
STYLE OF CASE: State of Alabama v. B.C. Money  
Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: \_\_\_\_\_ CHARGE(s) (if applicable): \_\_\_\_\_

- CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- CIVIL CASE--(such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the Court appoint one for me.
- CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.
- DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the Court appoint one for my child/me.

**SECTION I.**

**AFFIDAVIT**

1. IDENTIFICATION

Full Name Bragg Comer Money Sr Date of Birth 3/22/22  
Spouse's Full Name (if married) Ruby W. Money  
Complete Home Address Rt 1 Box 35 Columbia AL 36319

Number of People Living in Household 2  
Home Telephone No. 396-4691  
Occupation/Job RETIRED Length of Employment \_\_\_\_\_  
Driver's License Number \_\_\_\_\_ \* Social Security Number \_\_\_\_\_  
Employer N/A Employer's Telephone No. \_\_\_\_\_  
Employer's Address \_\_\_\_\_

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

AFDC       Food Stamps       SSI       Medicaid       Other \_\_\_\_\_

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income

\$ 403  
258

Spouse's Monthly Gross Income (unless a marital offense)

Other Earnings: Commissions, Bonuses, Interest Income, etc.

Contributions from Other People Living in Household

Unemployment/Workmen's Compensation,

Social Security, Retirement, etc.

Other Income (be specific) V.A.

253

TOTAL MONTHLY GROSS INCOME

\$ 914.00

Monthly Expenses:

A. Living Expenses

Rent/Mortgage

\$ 150.00

Total Utilities: Gas, Electricity, Water, etc.

350.00

Food

95.00

Clothing

65.00

Health Care/Medical

150.00

Insurance

150.00

Car Payment(s)/Transportation Expenses

150.00

Loan Payment(s)

## AFFIDAVIT OF SUBSTANTIAL HARDSHIP

Case Number

104-

Monthly Expenses: (cont'd from page 1)

Credit Card Payment(s) \_\_\_\_\_

Educational/Employment Expenses \_\_\_\_\_

Other Expenses (be specific) Lowe's \_\_\_\_\_25.00

Sub-Total \_\_\_\_\_

A \$ \_\_\_\_\_

B. Child Support Payment(s)/Alimony

\$ \_\_\_\_\_

Sub-Total \_\_\_\_\_

B \$ \_\_\_\_\_

C. Exceptional Expenses

\$ 50.00

TOTAL MONTHLY EXPENSES (add subtotals from A &amp; B monthly only)

\$ 815.00

Total Gross Monthly Income less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ \_\_\_\_\_

## 4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

\$ 0

Equity in Real Estate (value of property less what you owe)

560.00 ?

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishings, jewelry, tools, guns less what you owe)

Other (be specific) Do you own anything else of value?  Yes  No  
(land, house boat, TV, stereo, jewelry)

If so, describe \_\_\_\_\_

TOTAL LIQUID ASSETS

\$ \_\_\_\_\_

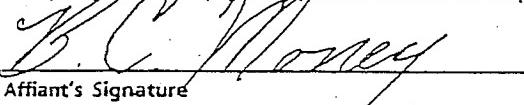
## Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the Court or its authorized representative to attain records or information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the Court appoints an attorney to represent me, the Court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

27 day of Oct., 19 95.

Judge/Clerk/Notary



Affiant's Signature

Print or Type Name

State of Alabama  
Unified Judicial System

Form C-10 B

Rev. 2/95

ORDER APPOINTING  
COUNSEL

Case Number

CC 94 - 065  
070IN THE Circuit COURT OF Henry County ALABAMA  
(Circuit, District, or Municipal)STYLE OF CASE: State of Al. v. B.C. Money, Sr.  
Plaintiff(s) Defendant(s)TYPE OF PROCEEDING: Charge CHARGE(s) (if applicable): Rape & Sexual Abuse

## IT IS THEREFORE, ORDERED AND ADJUDGED BY THIS COURT AS FOLLOWS:

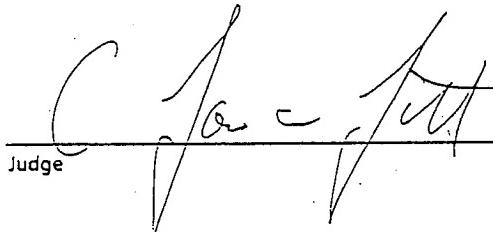
- Affiant is not indigent and request is DENIED.
- Affiant is partially indigent and able to contribute monetarily toward his defense; therefore, defendant is ordered to pay \$ \_\_\_\_\_ toward the anticipated cost of appointed counsel. Said amount is to be paid to the Clerk of Court or as otherwise ordered and disbursed as follows: \_\_\_\_\_
- Affiant is indigent and request is GRANTED.
- The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that Chris Maddox, is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel, and costs of court.

Done this 3/15/ day of OCT, 1995.

Judge



**NOTICE OF APPEAL TO THE  
ALABAMA COURT OF CRIMINAL APPEALS  
BY THE TRIAL COURT CLERK**

B. C. MONEY

APPELLANT (As Appears on Indictment)

v.

**STATE OF ALABAMA**

**APPELLEE**

**CIRCUIT COURT OF** HENRY **COUNTY, ALABAMA**

**CIRCUIT COURT NUMBER** CC-94-065 thru CC-94-070

**CIRCUIT JUDGE** Lawson Little

**CONVICTION OR ORDER APPEALED FROM:** Rape 1st on CC-94-065, 066, 067 & 069  
Sexual Abuse on CC-94-078 & 070

**DATE OF JUDGMENT OR CONVICTION:** 10/06/95

**SENTENCE:** 99 yrs on CC-94-065; 99 yrs on 066; 99 yrs on 067; 99 yrs on 069  
10 yrs on CC-94-068; 10 yrs on CC-94-070

**DATE OF SENTENCING:** 10/27/95

**DATE OF NOTICE OF APPEAL:** 10/27/95 (Oral)

(Notice of Appeal must be given within 42 days from date of sentencing or from order overruling a post conviction motion).

**DATE MOTION FOR NEW TRIAL FILED:** N/A

**DATE MOTION FOR NEW TRIAL DENIED:** N/A

**INDIGENT:**  YES  NO

**NAME AND COMPLETE ADDRESS OF:**

**1. COURT REPORTER:**

William Moeglin

<u>P. O. Drawer 6406</u>	<u>Dothan</u>	<u>AL</u>	<u>36302</u>
(Address)	(City)	(State)	(Zip Code)

**2. APPELLANT'S COUNSEL ON APPEAL:**

William Christian Maddox

<u>P. O. Box 738</u>	<u>Dothan</u>	<u>AL</u>	<u>36302</u>
(Address)	(City)	(State)	(Zip Code)

**3. APPELLANT, IF PRO SE APPEAL:**

AIS No:

<u>(Address)</u>	<u>(City)</u>	<u>(State)</u>	<u>(Zip Code)</u>
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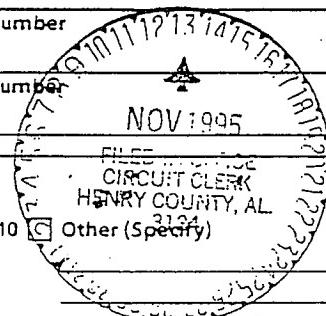
**4. APPELLEE, IF CITY APPEAL:**

<u>(Address)</u>	<u>(City)</u>	<u>(State)</u>	<u>(Zip Code)</u>
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I certify that I have served a copy of this  
Notice of Appeal on all parties to this  
action on this 3rd day of  
November 19 95.

*Connie Burdeshaw*

**CIRCUIT COURT CLERK**

State of Alabama Unified Judicial System Form ARAP- 26 (front) 8/91	COURT OF CRIMINAL APPEALS DOCKETING STATEMENT	Criminal Appeal Number <u>95</u> - <u>0268</u>
<b>GENERAL INFORMATION:</b>		
<input checked="" type="checkbox"/> CIRCUIT COURT <input type="checkbox"/> DISTRICT COURT <input type="checkbox"/> JUVENILE COURT OF <u>Henry</u> COUNTY <u>B. C. Money</u> , Appellant		
V. <input type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF _____		
Case Number <u>CC 94-065 thru CC 94-070</u>		Date of Complaint or Indictment <u>October 6, 1995</u>
Number of Days of Trial/Hearing <u>1</u> Days		Date of Notice of Appeal Oral: <u>October 27, 1995</u> Written:
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>B. REPRESENTATION:</b>		
Is Attorney Appointed or Retained? <input checked="" type="checkbox"/> Appointed <input type="checkbox"/> Retained.		If no attorney, will appellant represent self? <input type="checkbox"/> Yes <input type="checkbox"/> No
Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>William C. Maddox</u>		Telephone Number <u>(334) 793-3610</u>
Address <u>P.O. Box 1748</u>	City <u>Dothan</u>	State <u>AL</u> Zip Code <u>36302</u>
<b>C. CODEFENDANTS:</b> List each CODEFENDANT and the codefendant's case number.		
Codefendant	Case Number	
Codefendant	Case Number	
Codefendant	Case Number	
 NOV 1995		
<b>D. TYPE OF APPEAL:</b> Please check the applicable block.		
1 <input checked="" type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order
2 <input type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition
10 <input checked="" type="checkbox"/> Other (Specify)		
<b>E. UNDERLYING CONVICTION/CHARGE:</b> Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.		
1 <input type="checkbox"/> Capital Offense - § _____	6 <input type="checkbox"/> Trafficking in Drugs - § _____	11 <input type="checkbox"/> Fraudulent Practices - § _____
2 <input type="checkbox"/> Homicide - § _____	7 <input type="checkbox"/> Theft - § _____	12 <input type="checkbox"/> Offense Against Family - § _____
3 <input type="checkbox"/> Assault - § _____	8 <input type="checkbox"/> Damage or Intrusion to Property - § _____	13 <input type="checkbox"/> Traffic - DUI - § _____
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____	9 <input type="checkbox"/> Escape - § _____	14 <input type="checkbox"/> Traffic - Other - § _____
5 <input type="checkbox"/> Drug Possession - § _____	10 <input type="checkbox"/> Weapons/Firearms - § _____	15 <input type="checkbox"/> Miscellaneous (Specify): <u>Rape 1st - § 13A-6-61</u>
<b>F. DEATH PENALTY:</b>		
Does this appeal involve a case where the death penalty has been imposed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>G. TRANSCRIPT:</b>		
1. Will the record on appeal have a reporter's transcript? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. <u>November 9, 1995</u> (Date)		
3. If the answer to question "1" is "No":		
(a) Will a stipulation of facts be filed with the circuit clerk? <input type="checkbox"/> Yes <input type="checkbox"/> No		
(b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? <input type="checkbox"/> Yes <input type="checkbox"/> No		
NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).		

Form ARAP- 26 (back) 8/91

## COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year

## I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

The undersigned attorney is a newly appointed attorney and as such does not know enough to give the nature of the case.

## J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

The undersigned attorney is a newly appointed attorney and cannot yet state the anticipated issues on appeal.

## K. SIGNATURE:

11/9/95

*William C. Maddoff*

Date

Signature

Signature of Attorney/ Party Filing this form

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

CIRCUIT COURT  DISTRICT COURT  JUVENILE COURT OF Henry COUNTY  
B.C. Money, Appellant

v.  STATE OF ALABAMA  MUNICIPALITY OF \_\_\_\_\_

Case Number CC 94-065 thru CC 94-070	Date of Judgment/Sentence/Order October 6, 1995
Date of Notice of Appeal Oral: October 27, 1995 Written:	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975).

Signature \_\_\_\_\_ Date \_\_\_\_\_ Print or Type Name \_\_\_\_\_  
PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R.App.P.)):

MARK PROCEEDINGS REQUESTED:

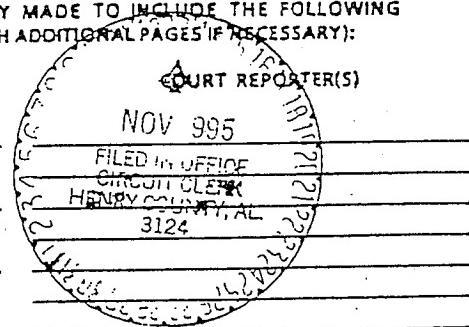
- A.  TRIAL PROCEEDINGS - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately.
- B.  ORGANIZATION OF THE JURY - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)
- C.  ARGUMENTS OF COUNSEL - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED

DATE

- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_
- G. \_\_\_\_\_



IMPORTANT NOTICE: The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)

PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

William C. Maddox  
Signature \_\_\_\_\_ Date 11/9/95

William C. Maddox  
Print or Type Name \_\_\_\_\_

DISTRIBUTION: Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

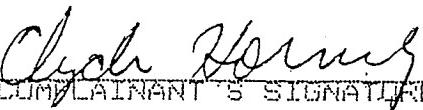
WARRANT NUMBER: WR 94 000268.00  
OTHER CASE NBR:

DC-94-367

C O M P L A I N T

BEFORE ME, THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLYDE WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B C MONEY SR WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINTANT

ON OR ABOUT OCT - DEC 1993, B. C. MONEY, SR., A MALE, DID ENGAGE IN SEXUAL INTERCOURSE WITH AMBER CELESTE MONEY, A FEMALE BY FORCEABLE COMPULSION, IN THE RESIDENCE OF B. C. MONEY, SR., RT 1, COLUMBIA, AL IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

  
CONNIE BARDESHAN  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESS FOR THE STATE

HORNSBY CLYDE/C/O HENRY CO SO//ABBEVILLE/36310

OPERATOR: COB DATE: 06/08/94

## W A R R A N T

STATE OF ALABAMA

HENRY COUNTY

DISTRICT COURT

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000268.00  
OTHER CASE NUMBER:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST B C MONEY SR AND BRING HIM/HER BEFORE THE DISTRICT COURT OF HENRY COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

RAPE 1ST DEGREE CLASSIA TYPE:F  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UPON YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE 19th DAY OF July 1994, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 08 DAY OF JUNE, 1994.

BOND SET AT: 100,000.00 BOND TYPE:*Connie Burdeshaw*

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

NAME: B C MONEY SR ALIAS:  
ADDRESS: RT 1 ALIAS:  
ADDRESS:  
CITY: COLUMBIA STATE: AL ZIP: 36319 0000EMPLOYMENT:  
DOB: 03/22/22 RACE: W SEX: M HAIR:  
EYE: HEIGHT: 0'00" WEIGHT: 000  
SID: 000000000 SSN: 420503187

## E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

 PLACING DEFENDANT IN THE HENRY COUNTY JAIL RELEASING DEFENDANT ON APPEARANCE BONDTHIS 8 TH DAY OF JUN, 19 94*Lawton Ed Amatoxey*  
SHERIFF*Clyde Hornsby*  
BYCOMPLAINANT: HORNSBY CLYDE  
C/O HENRY CO SO

ABBEVILLE AL 36310

CRATOR: COB LAST UPDATE: 060894

State of Alabama  
Unified Judicial System  
Form C-52 Rev 6/88

**CONSOLIDATED BOND**  
**(District Court, Grand Jury, Circuit Court)**

Case Number

IN THE Circuit COURT OF HENRY COUNTY  
STATE OF ALABAMA v.

We BRAGG COMER MONEY SR. (Defendant) as principal  
and we BEATRICE BRISTO (please print) as sureties

agree to pay the State of Alabama \$ 25,000.00 Dollars  
unless the above named defendant appears before the District Court of said County on (Date) OCT. 5, 1994  
at (Time) 9:00 AM or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of RAPE 1ST  
DEGREE

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

B.C. Money  
Signature of Defendant

RT 1 BOX 35, COLUMBIA, AL

Address (Print)

City

Reitta B Bristow  
Signature of Surety

RT 1 BOX 32-B COLUMBIA, AL

Address (Print)

City

Signature of Surety

Address (Print)

City

Signature of Surety

Address (Print)

City

Signature of Surety

Address (Print)

City

8-12-94  
Date

Lawton C Armstrong  
Approved by Sheriff/Judge  
Chet Smith  
By: Deputy Sheriff

DOB 03-22-22

## Defendant's Information

Sex MS. S. No. 420-50-3187Race WDL No. 0833087State ( AL )Phone No. 696-4691

Appearance Bond - Property



Appearance Bond - Recognizance



Bail Bond



Cash Bond

State of Alabama  
Unified Judicial System

Form C-52

Rev 6/88

CONSOLIDATED BOND  
(District Court, Grand Jury, Circuit Court)

Case Number

IN THE

District

COURT OF

Henry

COUNTY

STATE OF ALABAMA

v.

Bragg Comer Money, Sr.

We

Bragg Comer Money, Sr.

(Defendant) as principal

and we

(please print)

as sureties

agree to pay the State of Alabama \$ 10,000<sup>00</sup>

Dollars

unless the above named defendant appears before the District Court of said County on (Date): Aug. 16, 1994

at (Time) 9:00 or at the next session of Circuit Court of said County; there to await the action by the grand jury and from session to session thereafter until discharged by law to answer to the charge of

Rape - 1st degree

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time as the undersigned are duly exonerated.

X B.C. Money R/1 Box 35 Columbia, Ala. 36319

Signature of Defendant

Address (Print)

City

X Ruby money Columbia, Ala R#1 Box 35 36319

Signature of Surety

Address (Print)

City

X Howard Money R/1 Box 33, Columbia, Al

Signature of Surety

Address (Print)

City

James O Money R/Box 181 Columbia Al. 36319

Signature of Surety

Address (Print)

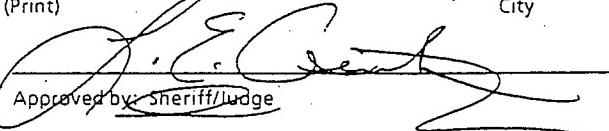
City

Rita B. Bristow, R/1 Box 32-B Columbia, Al. 36319

Signature of Surety

Address (Print)

City



Approved by: Sheriff/Judge

Date

July 21, 1994

By: Deputy Sheriff

## Defendant's Information

DOB \_\_\_\_\_

Sex \_\_\_\_\_ M \_\_\_\_\_

S. S. No. \_\_\_\_\_

Race \_\_\_\_\_ W \_\_\_\_\_

DL No. \_\_\_\_\_

State ( ) Phone No. \_\_\_\_\_



Appearance Bond - Property



Appearance Bond - Recognizance



Bail Bond



Cash Bond

CASE ACTION SUMMARY  
DISTRICT CRIMINAL

CASE# DC 94-000367 00

IN THE DISTRICT COURT OF HENRY COUNTY JUDGE: CWH  
STATE OF ALABAMA VS MONEY B C SR RT 1  
CASE# DC 94 000367 00 COLUMBIA AL 36319-0000  
DOB: 03/22/22 RACE: W SEX: M HT: 000 WT: 000 HRS: EYE:  
SSN: 420503187 ALIAS NAMES:  
CHARGE1: RAPE 1ST DEGREE CODE1: RAP1 LIT:RAPE 1ST DEGREE TYPE:F

CHARGE1: RAPE 1ST DEGREE. CODE1: RAP1 LIT:RAPE 1ST DEGREE TYPE: F  
CHARGE2: CODE2: 0000 TYPE: F  
CHARGE3: CODE3: 0000 TYPE: F  
MORE? OFFENSE DATE: / / AGENCY/OFFICER: 0370000HORNSBY

DATE WAR/CAP ISS:	/ /	DATE ARRESTED:	06/08/94
DATE INDICTED:	/ /	DATE FILED:	06/29/94
DATE RELEASED:	/ /	DATE HEARING:	/ /
BOND AMOUNT:	\$100,000.00	SURETIES:	

DATE: 07/19/94 DESC: 0000 TIME: 0900 A  
DATE: 07/19/94 DESC: 0000 TIME: 0000

DEFENDANT: \_\_\_\_\_ TYPE: \_\_\_\_\_  
PROSECUTOR: \_\_\_\_\_ TYPE: \_\_\_\_\_

OTH CSE: 0000000000 CHK/TICKET NO: GRAND JURY:  
COURT REPORTER SID NO: 0000000000 OPID: SAS  
DEF STATUS: JAIL JURY DEMAND:

**DATE**      **ACTIONS, JUDGMENTS, CASE NOTES**

07-21-94 | Bond is hereby reduced to \$10,000.00. Defendant, if released, is released in the custody of Mrs. B. C. Money, and he shall remain in her custody until this case is finally determined. As a further condition of Defendants release, he shall not be in the presence of any of the alleged victims unless accompanied by another adult person.

CHARLES W. WOODHAM, JUDGE

7-26-94 DQ

Grand Jury No. 193

Case No. \_\_\_\_\_

## INDICTMENT

The State of Alabama }  
 HENRY COUNTY }

CIRCUIT COURT  
 TWENTIETH JUDICIAL CIRCUIT

July Term, 19 94

The grand jury of said county charge that, before the finding of the indictment,

B.C. Money, Sr.

whose name is otherwise unknown to the Grand Jury,

a male, did engage in sexual intercourse with Amber Celeste Money, a female, by forcible compulsion, in violation of 13A-6-61 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Douglas Albert Valeska  
 District Attorney

---

THE STATE OF ALABAMA  
 Henry County

---

Witnesses:      Amber Celeste Money  
 Rt  
 Columbia, Al

THE CIRCUIT COURT  
 Twentieth Judicial Circuit

---

Clyde Hornsby  
 SO  
 Abbeville, Al

THE STATE

vs.

B.C. Money, Sr.

S.I.D. No.

D.O.R.

---

RAPE, 1ST DEGREE

A TRUE BILL

Mildred Cullin

Foreman of the Grand Jury

Presented to the presiding Judge in open court  
forem~~ay~~ of the Grand Jury, in the presence of  
J. J. Grand Jurors and filed in open  
court by order of the court on this the ~~2nd~~ 3rd  
day of July, 1994.

Bessie Bussey  
Clerk

## INDICTMENT

### NO PROSECUTOR

Upon the arrest of Defendant let him be

admitted to bail on giving bond in the sum of

Twenty Five Thousand

Dollars

with security to be approved by the Sheriff.

This 2<sup>nd</sup> day of July, 1994

Lawson

Judge Presiding

State of Alabama Unified Judicial System Form C-50 Rev 6/88	JURY VERDICT	Case Number CC-94-066
IN THE CIRCUIT COURT OF <u>HENRY</u> COUNTY		
Plaintiff/State <u>OF ALABAMA</u>		v. Defendant <u>B. C. MONEY, SR.</u>
<p>We, the Jury, find the Defendant, B. C. Money, Sr., guilty of Rape, 1st Degree, as charged in the Indictment.</p>		
<p><u>Bonnie L. B. 13/35</u> Name of Foreman (please print)</p>		
<p><u>Bonnie L. B. 13/35</u> Foreman Signature</p>		
Date filed <u>Oct 6 - 95</u>	<p><u>Connie Burdette</u> Clerk of Circuit Court</p>	
		By:

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE# CC 94 000066 00

IN THE CIRCUIT COURT OF HENRY COUNTY  
STATE OF ALABAMA VS MONEY B C SR

JUDGE: M-C

06/08/94 ARRS DEFENDANT ARRESTED ON 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON 07/29/94  
08/01/94 FILED ON 08/01/94 FILED  
08/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
08/01/94 BOND BOND SET FOR \$25,000.00  
08/01/94 DAT1 CASE SET ON 10/05/94 FOR ARR AIGNMENT  
08/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H. IV  
08/01/94 CAPS CAPIAS ISSUED 080194  
08/12/94 FILED DEFENDANT RELEASED ON 08/12/94  
08/15/94 DOCL DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1  
08/17/94 TEXT MOTION TO REVOKE BOND FILED BY STATE  
08/17/94 TEXT SET FOR BOND HEAR ON 8-19-94 BY JUDGE WOODHAM  
08/24/94 TEXT AMENDMENT OF RELEASE ORDER FILED 8/24/94 WOODHAM  
08/26/94 TEXT WAIVER OF ARR AIGNMENT FILED BY R RAMSEY IV  
08/26/94 TEXT MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND  
08/26/94 TEXT FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF  
08/26/94 TEXT STATE'S WITNESS FILED BY R RAMSEY IV

9-7-94

Order filed

10/14/94

Motion to do. m/s denied. Notif. comp. filed

STATE OF ALABAMA VS MONEY B C SR

06/08/94	ARRS	DEFENDANT ARRESTED ON: 06/08/94
07/29/94	INDT	DEFENDANT INDICTED ON: 07/29/94
08/01/94	FILE	ON 08/01/94 FILED
08/01/94	CHG1	CHARGE AT FILING OF: RAPE 1ST DEGREE
08/01/94	BOND	BOND SET FOR \$25,000.00
08/01/94	DAT1	CASE SET ON 10/05/94 FOR ARRAIGNMENT
08/01/94	ATY1	ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H, IV
08/01/94	CAPS	CAPIAS ISSUED 080194
08/12/94	RELE	DEFENDANT RELEASED ON: 08/12/94
08/15/94	DOC1	DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1
08/17/94	TEXT	MOTION TO REVOKE BOND FILED BY STATE
08/17/94	TEXT	SET FOR BOND HEAR ON 8-19-94 BY JUDGE WOODHAM
08/24/94	TEXT	AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM
08/26/94	TEXT	WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV
08/26/94	TEXT	MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND
08/26/94	TEXT	FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF
08/26/94	TEXT	STATE'S WITNESS FILED BY R RAMSEY IV
09/01/94	TEXT	MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE
09/01/94	TEXT	TO THE DEFENDANT FILED BY R RAMSEY IV
09/01/94	TEXT	OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE
09/01/94	TEXT	OF PSYCHIATRIC HISTORY AND PSYCHOLOGICAL
09/01/94	TEXT	AND MEDICAL EXAMINATION OF AMANDA HADDAN AND
09/01/94	TEXT	AMBER CELESTE MONEY FILED BY D VALESKA
09/07/94	TEXT	ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI
09/09/94	TEXT	ORDER FILED /S/ CRESPI
10/13/94	TEXT	MOTION TO DISMISS FILED BY R RAMSEY IV
10/28/94	TEXT	MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-
10/28/94	TEXT	DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV

11-4-94 Order filed 151 Aspx

12-5-94 Motion to consolidate filed  
by C. Axos

12-2-94 Motion to suppress filed by  
R. Ramsey IV

12/7/94 I have not received the files in these cases in time to set  
a consolidation hearing. I have therefore denied the motion  
to consolidate. Notify: Insp, Judge

12/21/94 Continued unreachd Insp, Judge

IN THE CIRCUIT COURT OF HENRY COUNTY

JUDGE: CLL

STATE OF ALABAMA VS MONEY B C SR

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
 07/27/94 INIT DEFENDANT INDICTED ON: 07/29/94  
 08/01/94 FILE ON 08/01/94 FILED  
 08/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
 08/01/94 BOND BOND SET FOR \$25,000.00  
 08/01/94 DAT1 CASE SET ON 10/05/94 FOR ARRAIGNMENT  
 08/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H, IV  
 08/01/94 CAPS CAPTAS ISSUED 080194  
 08/12/94 RELE DEFENDANT RELEASED ON: 08/12/94  
 08/15/94 DOC1 DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1  
 08/17/94 TEXT MOTION TO REVOKE BOND FILED BY STATE  
 08/17/94 TEXT SET FOR BOND HEAR ON 8-19-94 BY JUDGE WOODHAM  
 08/24/94 TEXT AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM  
 08/26/94 TEXT WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV  
 08/26/94 TEXT MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND  
 08/26/94 TEXT FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF  
 08/26/94 TEXT STATE'S WITNESS FILED BY R RAMSEY IV  
 09/01/94 TEXT MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE  
 09/01/94 TEXT TO THE DEFENDANT FILED BY R RAMSEY IV  
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 09/01/94 TEXT AMBER CELESTE MONEY FILED BY D VALESKA  
 09/07/94 TEXT ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI  
 09/09/94 TEXT ORDER FILED /S/ CRESPI  
 10/13/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV  
 10/23/94 TEXT MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-  
 10/28/94 TEXT DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV  
 11/04/94 TEXT ORDER FILED /S/ CRESPI  
 11/18/94 DAT1 CASE SET ON 12/19/94 FOR TRIAL  
 11/21/94 DOCK DOCKET NOTICE MAILED ON 11/21/94  
 12/02/94 TEXT MOTION TO SUPPRESS FILED BY R RAMSEY IV  
 12/05/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
 12/05/94 SUBP WITNESS SUBPOENA ISSUED  
 12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
 12/13/94 TEXT FILED BY R RAMSEY IV  
 12/21/94 TEXT CONTINUED UNREACHED  
 02/24/95 DAT1 CASE SET ON 03/20/95 FOR TRIAL  
 03/01/95 DOCK DOCKET NOTICE MAILED ON 03/02/95  
 03/02/95 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
 03/06/95 TEXT MOTION TO CONTINUE FILED BY R RAMSEY IV

3/2/95 - State's motion to consolidate is granted -

RH Defendant's motion for continuance is denied - 10/efy -  
J. Little, Judge.

IN THE CIRCUIT COURT OF HENRY COUNTY  
STATE OF ALABAMA VS MONEY B C SR

JUDGE: CLL

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
 07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
 08/01/94 FILED ON 08/01/94 FILED  
 08/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
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     OF PSYCHIATRIC HISTORY AND PSYCHOLOGICAL  
     AND MEDICAL EXAMINATION OF AMANDA HADDAN AND  
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 09/07/94 TEXT ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI  
 09/09/94 TEXT ORDER FILED /S/ CRESPI  
 10/13/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV  
 10/28/94 TEXT MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-  
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 10/28/94 TEXT ORDER FILED /S/ CRESPI  
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 11/18/94 DAT1 DOCKET NOTICE MAILED ON 11/21/94  
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 12/05/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
 12/05/94 SUBP WITNESS SUBPOENA ISSUED  
 12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
     FILED BY R RAMSEY IV  
 12/13/94 TEXT CONTINUED UNREACHED  
 12/21/94 TEXT CASE SET ON 03/20/95 FOR TRIAL  
 02/01/95 DAT1 DOCKET NOTICE MAILED ON 03/02/95  
 02/02/95 DOCK  
 02/02/95 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
 02/06/95 TEXT MOTION TO CONTINUE FILED BY R RAMSEY IV  
 03/08/95 TEXT MOTION TO CONSOLIDATE GRANTED; MOTION TO CONTINUE  
     DENIED /S/ LITTLE  
 03/09/95 SUBP WITNESS SUBPOENA ISSUED  
 03/15/95 TEXT DEFENDANT'S ADDITIONAL OBJECTION TO MOTION  
     TO CONSOLIDATE FILED BY R RAMSEY IV

3-16-95 DV  
R  
Defendant's Additional Objection to Consolidation is  
denied. Notify *Judge Little, Judge*

3-21-95 Case continues for deft +  
*It - f fifth judge*

CASE ACTION SUMMARY  
CONTINUATIONCC 94-066  
ID YR Number

Style:

B.C. Money, Jr.

Page Number \_\_\_\_ of \_\_\_\_ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

10-6-1995

Defendant heretofore having been indicted and arraigned upon  
 an indictment on a charge of Rape 1ST  
 and heretofore having stood not guilty thereto, issue joined on  
 said plea. Thereupon comes a jury of good and lawful men and  
 women, to-wit, Bonnie F. Gibbs

and eleven others, who being duly empannelled, sworn and  
 charged by the Court according to law, before whom the trial  
 of this cause was entered upon and continued from day to  
 day and from time to time, said Defendant B.C.

Money Jr., being in open Court with his attorney at each  
 and every stage and hearing in the cause  
 now on this the 6th day of Oct, 1995:  
 said jurors upon their oaths do say:

"WE, THE JURY, FIND THE DEFENDANT GUILTY OF

Rape 1st  
AS CHARGED IN THE INDICTMENT

JUDGE

10-6-1995

In accordance with the verdict of the Jury, Defendant is  
 hereby adjudged guilty of Rape 1st  
 as charged in the indictment. Defendant being asked if he  
 had anything to say why the sentence of law should not be  
 pronounced upon him, the Defendant says nothing but pre-  
 sentence report is requested by Celt

Hearing set for 10-27-1995 at 9:00 A.M. The Court therefore adjudges the Defendant guilty of

JUDGE

The Defendant and his Attorney being in open Court and  
 being asked by the Court if he has anything to say why the  
 sentence of Law should not be pronounced upon him says  
 nothing. It is therefore considered by the Court and it is the  
 judgement and sentence of the Court that this Defendant be  
 imprisoned in the penitentiary of the State of Alabama for  
 a period of 99 years

Defendant is further ordered to pay a fine of \_\_\_\_\_  
 restitution in the amount of \_\_\_\_\_ to TDA  
 and a victim compensation assessment of \$500.00.  
 Defendant is given credit for days spent incarcerated pending  
 trial.

JUDGE

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000269.00  
OTHER CASE NBR: DC-94-368

## C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B. C. MONEY, SR., WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINTANT

ON OR ABOUT MAR 1994 - APR 1994, B. C. MONEY, SR., A MALE DID ENGAGE IN SEXUAL INTERCOURSE WITH AMBER CELESTE MONEY, A FEMALE, BY FORCIBLE COMPULSION AT THE FALLS LOCATED BEHIND THE RESIDENCE OF B. C. MONEY, SR., IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Cycle Hornsby*  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

*Conni Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESS FOR THE STATE

OPERATOR: COB DATE: 06/08/94

## W A R R A N T

STATE OF ALABAMA

HENRY COUNTY

DISTRICT COURT

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000269.00  
OTHER CASE NBR: "

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST B. C. MONEY SR AND BRING HIM/HER BEFORE THE DISTRICT COURT OF HENRY COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

RAPE 1ST DEGREE CLASS: A TYPE: F  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE  
1994 DAY OF July 1994, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 08 DAY OF JUNE, 1994.

BOND SET AT: \$100,000.00 BOND TYPE:

*Connie Bardehan*  
 JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

NAME: B. C. MONEY SR	ALIAS:	
ADDRESS: RT 1	ALIAS:	
ADDRESS:		
CITY: COLUMBIA	STATE: AL	ZIP: 36319 0000

EMPLOYMENT:			
DOB: 03/22/22	RACE: W	SEX: M	HAIR:
EYES:	HEIGHT: 0'00"	WEIGHT: 000	
SID# 000000000	SSN# 420503187		

## E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

 PLACING DEFENDANT IN THE HENRY COUNTY JAIL RELEASING DEFENDANT ON APPEARANCE BONDTHIS 8th DAY OF June 19 94

*Lawton Ed Armstrong*  
 SHERIFF

*Clyde Kenney*  
 BY

State of Alabama Unified Judicial System Form C-52	CONSOLIDATED BOND (District Court, Grand Jury, Circuit Court)	Case Number
Rev 6/88		

IN THE District COURT OF Henry COUNTY  
STATE OF ALABAMA v. Bragg C. Money, Sr.

We Bragg C. Money, Sr. (Defendant) as principal  
and we \_\_\_\_\_ (please print) as sureties

agree to pay the State of Alabama A 10,000. 00 Dollars  
unless the above named defendant appears before the District Court of said County on (Date): Aug. 16, 1994  
at (Time) 9:00 or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of  
Rape 1st Degree

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

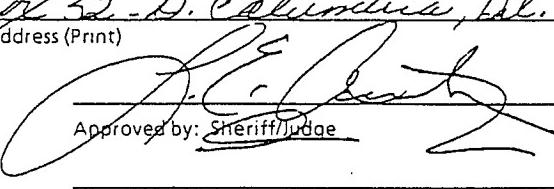
X B.C. Money Rt 1 Box 35 Columbia, Al 36319  
Signature of Defendant Address (Print) City

X Ruby Money Columbia Al 36319 Rt 1 Box 35 36319  
Signature of Surety Address (Print) City

X Evangeline Money Rt. 1 Box 33, Columbia, Al.  
Signature of Surety Address (Print) City

X James Money Rt 1 Box 181 Columbia Al 36319  
Signature of Surety Address (Print) City

X Rita B. Bristow, Rt. 1 Box 32-B Columbia, Al. 36319  
Signature of Surety Address (Print) City

July 21, 1994  
Date   
Approved by: Sheriff/Judge

By: Deputy Sheriff

Defendant's Information

DOB \_\_\_\_\_

Sex m \_\_\_\_\_

S. S. No. \_\_\_\_\_

Race w \_\_\_\_\_

DL No. \_\_\_\_\_

State ( )

Phone No. \_\_\_\_\_



Appearance Bond - Property

Appearance Bond - Recognizance

Bail Bond

Cash Bond

CASE ACTION SUMMARY  
DISTRICT CRIMINAL

CASE# DC 94 000368 00

Grand Jury No. 194

Case No. \_\_\_\_\_

## INDICTMENT

The State of Alabama  
HENRY COUNTY }CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT

July Term, 19 94

The grand jury of said county charge that, before the finding of the indictment,  
B.C. Money, Sr.

whose name is otherwise unknown to the Grand Jury,  
a male, did engage in sexual intercourse with Amber Celeste  
Money, a female, by forcible compulsion, in violation of  
13A-6-61 of the Code of Alabama, against the peace and dignity  
of the State of Alabama.

Douglas Albert Valeska  
District AttorneyTHE STATE OF ALABAMA  
Henry County

Witnesses:

Amber Celeste Money  
Rt  
Columbia, AlTHE CIRCUIT COURT  
Twentieth Judicial CircuitClyde Hornsby  
SO  
Abbeville, Al

THE STATE

vs.

B.C. Money, Sr.

S.I.D No.

D.O.A.

RAPE, 1ST DEGREE

A TRUE BILL

Wilbur Williams  
Foreman of the Grand Jury

Presented to the presiding Judge in open court  
foreman of the Grand Jury, in the presence of  
Judge Grand Jurors and filed in open  
court by order of the court on this the 2nd day of July, 1994.

Conrad Buelow  
Clerk

## INDICTMENT

### NO PROSECUTOR

Upon the arrest of Defendant let him be  
admitted to bail on giving bond in the sum of  
Twenty Five Thousand Dollars  
with security to be approved by the Sheriff.

This 29<sup>th</sup> day of July, 1994

Judge Presiding

Conrad Buelow

State of Alabama  
Unified Judicial System  
Form C-52 Rev 6/88

**CONSOLIDATED BOND**  
**(District Court, Grand Jury, Circuit Court)**

Case Number

IN THE Circuit COURT OF HENRY COUNTY  
STATE OF ALABAMA v.

We BRAGG COMER MONEY SR (Defendant) as principal  
and we \_\_\_\_\_ (please print) as sureties

agree to pay the State of Alabama \$ 25,000.00 Dollars  
unless the above named defendant appears before the District Court of said County on (Date): OCT. 5, 1994  
at (Time) 9:00 AM or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of PAPER 1ST  
degrae

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

B.C. Money

Signature of Defendant

RT 1 BOX 35, COLUMBIA, AL

City

Signature of Surety

Address (Print)

Rt 1, Box 33 Columbia

City

James O Money

Signature of Surety

Address (Print)

Po Box 181 Columbia Al. 36319

City

Ruth Money

Signature of Surety

Address (Print)

Columbia, Al

City

James Comer

Signature of Surety

Address (Print)

Colombia AL 36319

City

RT Box 11 Fairview, Al 36088

Address (Print)

City

Signature of Surety

8-12-94

Date

Approved by Sheriff/Judge

By: Deputy Sheriff

Lawton C Armstrong

## Defendant's Information

DOB 03-22-22Sex MS. S. No. 420-50-3187Race WDL No. 0833087State ( AL )Phone No. 696-4691

Appearance Bond - Property



Appearance Bond - Recognizance



Bail Bond



Cash Bond

State of Alabama Unified Judicial System Form C-50 Rev 6/88	JURY VERDICT	Case Number CC-94-067
IN THE CIRCUIT COURT OF <u>HENRY</u> COUNTY		
Plaintiff/State <u>OF ALABAMA</u>		v. Defendant <u>B. C. MONEY, SR.</u>
<p>We, the Jury, find the defendant, B. C. Money, Sr., guilty of Rape, 1st Degree, as charged in the Indictment.</p>		
<p><u>Connie B. BURDEAU</u> Name of Foreman (please print) <u>Connie B. BURDEAU</u> Foreman Signature Clerk of Circuit Court By:</p>		
Date filed <u>Oct 6 - 85</u>		

**CASE ACTION SUMMARY  
CIRCUIT CRIMINAL**

CASE: BC 94 000067 00

- 92

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
08/01/94 FILE ON 08/01/94 FILED  
08/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
08/01/94 BOND BOND SET FOR \$25,000.00  
08/01/94 DAT1 CASE SET ON 10/05/94 FOR ARRAIGNMENT  
08/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H., IV  
08/01/94 CARIS CAPIAS ISSUED 080194  
08/12/94 RELE DEFENDANT RELEASED ON: 08/12/94  
08/15/94 DDC1 DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1  
08/17/94 TEXT MOTION TO REVOKE BOND FILED BY STATE  
08/17/94 TEXT SET FOR BOND HEAR 8-19-94 BEFORE JUDGE WOODHAM  
08/24/94 TEXT AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM  
08/26/94 TEXT WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV  
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09/01/94 TEXT CELEST MONEY FILED BY D VALESKA  
09/07/94 TEXT ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI  
09/09/94 TEXT ORDER FILED /S/ CRESPI  
10/12/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV  
10/13/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV

10/14/94 Motion to dismiss denied. Amp; July

STATE OF ALABAMA VS MONEY B C SR

06/08/94	ARRS	DEFENDANT ARRESTED ON: 06/08/94
07/29/94	INDT	DEFENDANT INDICTED ON: 07/29/94
08/01/94	FILE	ON 08/01/94 FILED
08/01/94	DH61	CHARGE AT FILING OF: RAPE 1ST DEGREE
08/01/94	BOND	BOND SET FOR \$25,000.00
08/01/94	DAT1	CASE SET ON 10/05/94 FOR ARRAIGNMENT
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08/01/94	CAPS	CAPIAS ISSUED 080194
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10/28/94	TEXT	MOTION TO COMPELL DEPT OF HUMAN RESOURCES TO PRO-
10/28/94	TEXT	DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV

11-4-94 order filed by Judge

12-3-94 Motion to Consolidate

filed by C. Amos

12-2-94 Motion to Suppress

filed by R. Ramsey IV

12/7/94 I have not received the files in these cases in time to set  
a consolidation hearing. I have therefore denied the motion  
to consolidate. Notify: *Sup. Judge*

D/RM

STATE OF ALABAMA VS MONEY B C SR

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
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11/21/94 DOCK DOCKET NOTICE MAILED ON 11/21/94  
12/02/94 TEXT MOTION TO SUPPRESS FILED BY R RAMSEY IV  
12/05/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
12/05/94 SUBP WITNESS SUBPOENA ISSUED  
12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
12/13/94 TEXT FILED BY R RAMSEY IV

4/21/94 Continued unreachd 4/24, 5/14

IN THE CIRCUIT COURT OF HENRY COUNTY JUDGE: CLL  
STATE OF ALABAMA VS MONEY B C SR

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
08/01/94 FILE ON 08/01/94 FILED  
08/01/94 CHG1 CHARGE AT FILING OF: RAPE 1ST DEGREE  
08/01/94 BOND BOND SET FOR \$25,000.00  
08/01/94 DAT1 CASE SET ON 10/05/94 FOR ARRAIGNMENT  
08/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H., IV  
08/01/94 CAPS CAPIAS ISSUED 080194  
08/12/94 RELE DEFENDANT RELEASED ON: 08/12/94  
08/15/94 DOC1 DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1  
08/17/94 TEXT MOTION TO REVOKE BOND FILED BY STATE  
08/17/94 TEXT SET FOR BOND HEAR 8-19-94 BEFORE JUDGE WOODHAM  
08/24/94 TEXT AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM  
08/26/94 TEXT WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV  
08/26/94 TEXT MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND  
08/26/94 TEXT FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF  
08/26/94 TEXT STATE'S WITNESS FILED BY R RAMSEY IV  
09/01/94 TEXT TO THE DEFENDANT FILED BY R RAMSEY IV  
09/01/94 TEXT OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE OF  
09/01/94 TEXT PSYCHIATRIC HISTORY AND PSYCHOLOGICAL AND  
09/01/94 TEXT MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER  
09/01/94 TEXT COLLEST MONEY FILED BY D VALESKA  
09/02/94 TEXT ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI  
09/09/94 TEXT ORDER FILED /S/ CRESPI  
10/13/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV  
10/26/94 TEXT MOTION TO COMPELL DEPT OF HUMAN RESOURCES TO PRO-  
DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV  
10/28/94 TEXT ORDER FILED /S/ CRESPI  
11/04/94 TEXT CASE SET ON 12/19/94 FOR TRIAL  
11/21/94 DOCK DOCKET NOTICE MAILED ON 11/21/94  
12/08/94 TEXT MOTION TO SUPPRESS FILED BY R RAMSEY IV  
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12/05/94 SUBP WITNESS SUBPOENA ISSUED  
12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
12/13/94 TEXT FILED BY R RAMSEY IV  
12/21/94 TEXT CONTINUED UNREACHED  
02/24/95 DAT1 CASE SET ON 03/20/95 FOR TRIAL  
03/01/95 DOCK DOCKET NOTICE MAILED ON 03/02/95  
03/02/95 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
03/06/95 TEXT MOTION TO CONTINUE FILED BY R RAMSEY IV

3/8/95 - State's Motion to Consolidate granted - Defendant's  
Motion to Continue is denied - holding: L. Little, Judge

IN THE CIRCUIT COURT OF HENRY COUNTY		JUDGE: CLL
STATE OF ALABAMA VS MONEY B C SR		
06/08/94	ARRS	DEFENDANT ARRESTED ON: 06/08/94
07/27/94	INDT	DEFENDANT INDICTED ON: 07/27/94
08/01/94	FILE	ON 08/01/94 FILED
08/01/94	CHG1	CHARGE AT FILING OF: RAPE 1ST DEGREE
08/01/94	BOND	BOND SET FOR \$25,000.00
08/01/94	DAT1	CASE SET ON 10/05/94 FOR ARRAIGNMENT
08/01/94	ATY1	ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H. IV
08/01/94	CAPS	CAPIAS ISSUED 080194
08/12/94	RELE	DEFENDANT RELEASED ON: 08/12/94
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08/26/94	TEXT	WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV
08/26/94	TEXT	MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND
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08/26/94	TEXT	STATE'S WITNESS FILED BY R RAMSEY IV
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09/01/94	TEXT	MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER
09/01/94	TEXT	CELEST MONEY FILED BY D VALESKA
09/07/94	TEXT	ORDER DENYING DEF'T'S MOTION OF 08/26/94 /S/CRESPI
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10/28/94	TEXT	DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV
11/04/94	TEXT	ORDER FILED /S/ CRESPI
11/18/94	DAT1	CASE SET ON 12/19/94 FOR TRIAL
11/21/94	DOCK	DOCKET NOTICE MAILED ON 11/21/94
12/02/94	TEXT	MOTION TO SUPPRESS FILED BY R RAMSEY IV
12/05/94	TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS
12/05/94	SURP	WITNESS SUBPOENA ISSUED
12/13/94	TEXT	DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE
12/13/94	TEXT	FILED BY R RAMSEY IV
12/21/94	TEXT	CONTINUED UNREACHED
02/24/95	DAT1	CASE SET ON 03/20/95 FOR TRIAL
03/01/95	DOCK	DOCKET NOTICE MAILED ON 03/02/95
03/02/95	TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS
03/06/95	TEXT	MOTION TO CONTINUE FILED BY R RAMSEY IV
03/08/95	TEXT	MOTION TO CONSOLIDATE GRANTED; MOTION TO CONTINUE
03/08/95	TEXT	DENIED /S/ LITTLE
03/09/95	SURP	WITNESS SUBPOENA ISSUED
03/15/95	TEXT	DEFENDANT'S ADDITIONAL OBJECTION TO MOTION TO
03/15/95	TEXT	CONSOLIDATE FILED BY R RAMSEY IV
3-16-95	P PRW	Defendant's Additional Objection to Consolidation is denied. Notify. <i>J. Little, Judge</i>
3-21-95	<i>J. Little, Judge</i>	Case Contined in def't's file

CASE ACTION SUMMARY  
CONTINUATIONCC-94-067  
ID YR  
Number

Style:

B.C. Money, Jr.

Page Number \_\_\_\_ of \_\_\_\_ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

10-6-1995

Defendant heretofore having been indicted and arraigned upon  
an indictment on a charge of Rape 1st  
and heretofore having plead guilty thereto, issue joined on  
said plea. Thereupon comes a jury of good and lawful men and  
women, to-wit, Bonnie G. Hobbs

and eleven others, who being duly empannelled, sworn and  
charged by the Court according to law before whom the trial  
of this cause was entered upon and continued from day to  
day and from time to time, it is found that B.C.

Money Jr., being in open Court with his attorney at each  
and every stage and during all the proceedings in this cause,  
now on this the 1st day of Oct, 1995:  
said jury upon their verdict do say,

"WE, THE JURY, FIND THE DEFENDANT GUILTY OF

Kapo, 1st  
as charged in the indictment."

Judge  
JUDGE

10-6-1995

In accordance with the verdict of the jury, Defendant is  
hereby adjudged guilty of Rape 1st  
as charged in the indictment. Defendant being asked if he  
had anything to say why the sentence of law should not be  
pronounced upon him, the Defendant says nothing but pre-

sentence report is requested by Next

Hearing set for 10-27-1995 at 9:30 A.M. M.J. The Court therefore adjudges the Defendant guilty of

JUDGE

The Defendant and his Attorney being in open Court and  
being asked by the Court if he has anything to say why the  
sentence of Law should not be pronounced upon him says  
nothing. It is therefore considered by the Court and it is the  
judgement and sentence of the Court that this Defendant be  
imprisoned in the penitentiary of the State of Alabama for  
a period of 99 years.

Defendant is further ordered to pay a fine of \_\_\_\_\_  
restitution in the amount of \_\_\_\_\_ to TBD.  
and a victim compensation assessment of \$10.00.

Defendant is given credit for days spent incarcerated pending  
trial.

J. Little  
JUDGE

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

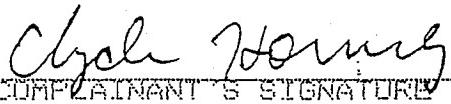
AGENCY NUMBER:

WARRANT NUMBER: WR 94 000270.00  
OTHER CASE NBR: DC-94-369

## C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLYDE WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B C MONEY SR WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINTANT

DID ON OR ABOUT 06/06/94, B. C. MONEY, SR., SUBJECT AMBER CELEST MONEY TO SEXUAL CONTACT BY FORCIBLE COMPELCTION OR HE/SHE BEING SIXTEEN YEARS OF AGE OR OLDER, DID SUBJECT TO SEXUAL CONTACT AMBER CELEST MONEY WHO IS LESS THAN TWELVE YEARS OF AGE, IN VIOLATION OF 13A-006-066 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: SEXUAL ABUSE 1ST DEG 13A-006-066 F

WITNESS FOR THE STATE

HORNSBY CLYDE/C/O HENRY CO SO//ABBEVILLE/36310  
MONEY AMBER CELESTE/RT//COLUMBIA/36319  
FLAHERTY HEATHER/515 COLUMBIA RD//ABBEVILLE/36310  
AMOS TAMMY/RT 1 BOX 24/OLD RIVER ROAD/SHORTERVILLE/36373  
MONEY PATRICIA E/RT 1//COLUMBIA/36319  
RUSHING BETH/DHRI//ABBEVILLE/36310

OPERATOR: COB DATE: 06/08/94

## W A R R A N T

STATE OF ALABAMA

HENRY COUNTY

DISTRICT COURT

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000270.00  
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST B C MONEY SR AND BRING HIM/HER BEFORE THE DISTRICT COURT OF HENRY COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

SEXUAL ABUSE 1ST DEG CLASS:C TYPE:F  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTIL YOUR CHIEFDOM AND DETAIN HIM/HER UNTIL THE  
1994 DAY OF July 1994, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 08 DAY OF JUNE, 1994.

BOND SET AT: #25,000.00 BOND TYPE:*Conie Burdeshan*  
JUDGE/JUDGE/MAGISTRATE OF DISTRICT COURT

CHARGES: SEXUAL ABUSE 1ST DEG 13A-006-066 F

NAME: B C MONEY SR

ALIAS:

ADDRESS: RT 1

ALIAS:

ADDRESS:

CITY: COLUMBIA

STATE: AL

ZIP: 36319 0000

EMPLOYMENT:

DOB: 03/22/22 RACE: W SEX: M HAIR:

EYE: HEIGHT: 6'00" WEIGHT: 000

SID: 000000000 SSN: 420503187

## E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

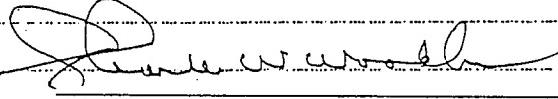
 PLACING DEFENDANT IN THE HENRY COUNTY JAIL RELEASING DEFENDANT ON APPEARANCE BONDTHIS 8<sup>th</sup> DAY OF JUNy 1994*Lawton Ed Armstrong*  
SHERIFF*Clyde Hornsby*  
BYCOMPLAINANT: HORNSBY CLYDE  
C/O HENRY CO SO

ABBEVILLE AL 36310

CREATOR: COB LAST UPDATE: 060894

CASE ACTION SUMMARY  
 DISTRICT CRIMINAL

CASE# DC 94 000369 00

IN THE DISTRICT	COURT OF	HENRY	COUNTY	JUDGE: CWW
STATE OF ALABAMA	VS	MONEY B C SR		
CASE# DC 94 000369 00		COLUMBIA		AL 36319-0000
DOB: 03/22/22	RACE: W	SEX: M	HT: 000	WT: 000
SSN: 420503187	HR: EYE:			
ALIAS NAMES:				
CHARGE1: SEXUAL ABUSE 1ST		CODE1: SXA1 LIT: SEXUAL ABUSE 1ST TYPE: F		
CHARGE2:		CODE2: 0000 TYPE: F		
CHARGE3:		CODE3: 0000 TYPE: F		
MORE?: OFFENSE DATE: 06/06/94		AGENCY/OFFICER: 0370000HORNSEY		
DATE WAR/CAP ISS:	/	DATE ARRESTED:	06/08/94	
DATE INDICTED:	/	DATE FILED:	06/29/94	
DATE RELEASED:	/	DATE HEARING:	/	
BOND AMOUNT:	\$25,000.00	SURETIES:	/	
DATE 1: 07/19/94	DESC: 0000	TIME: 0900 A		
DATE 2:	DESC: 0000	TIME: 0000		
DEF/ATY:	TYPE:			TYPE:
PROSECUTOR:				
OTH CSE: 0000000000	CHK/TICKET NO:		GRAND JURY:	
COURT REPORTER:	SID NO: 0000000000			
DEF STATUS: JAIL	JURY DEMAND:		OFID: SAS	
DATE ACTIONS, JUDGMENTS, CASE NOTES				
<p>07-21-94 Bond is hereby reduced to \$5,000.00. Defendant, if released, is released in the custody of Mrs. B. C. Money, and he shall remain in her custody until this case is finally determined. As a further condition of Defendants release, he shall not be in the presence of any of the alleged victims unless accompanied by another adult person.</p>  <p>CHARLES W. WOODHAM, JUDGE</p> <p>7-26-94 GJ</p>				

State of Alabama  
Unified Judicial System  
Form C-52 Rev 6/88

**CONSOLIDATED BOND**  
(District Court, Grand Jury, Circuit Court)

Case Number

IN THE Holistic COURT OF Henry COUNTY

STATE OF ALABAMA

v.

Bragg Comer Money, Sr.

We Bragg Comer Money, Sr. (Defendant) as principal  
and we \_\_\_\_\_ (please print) as sureties

agree to pay the State of Alabama \$ 5,000 00 Dollars

unless the above named defendant appears before the District Court of said County on (Date); Aug. 16, 1994  
at (Time) 9:00 or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of

Sexual Abuse 1st Degree

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

X Bragg Money At 1 Box 35 Columbia, Ala. 36319  
Signature of Defendant Address (Print) City

X Ruby money Columbia At 89# 1 Box 35 36 319  
Signature of Surety Address (Print) City

X Vandy money Ft. 1 Box 33, Columbia, Al.  
Signature of Surety Address (Print) City

X James D. Money P.O. Box 181 Columbia Al. 36319  
Signature of Surety Address (Print) City

X Letta B. Gristad, Ft. 1 Box 32-B Columbia, Al. 36319  
Signature of Surety Address (Print) City

July 21, 1994  
Date

J. R. Cash  
Approved by Sheriff/Judge

By: Deputy Sheriff

## Defendant's Information

DOB \_\_\_\_\_

Sex M

S. S. No. \_\_\_\_\_

Race White

DL No. \_\_\_\_\_

State ( )

Phone No. \_\_\_\_\_

 Appearance Bond - Property Appearance Bond - Recognizance Bail Bond Cash Bond

## INDICTMENT

The State of Alabama }  
 HENRY COUNTY }

CIRCUIT COURT  
 TWENTIETH JUDICIAL CIRCUIT

July Term, 19 94

The grand jury of said county charge that, before the finding of the indictment,

B.C. Money, Sr.

whose name is otherwise unknown to the Grand Jury,

he being sixteen years of age or older, did subject to sexual contact Amber Celeste Money, who is less than twelve years of age, in violation 13A-6-66 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Douglas Albert Valeska  
 District Attorney

THE STATE OF ALABAMA  
 Henry County

Witnesses:

Amber Celeste Money  
 Rt  
 Columbia, Al

THE CIRCUIT COURT  
 Twentieth Judicial Circuit

Clyde Hornsby  
 SO  
 Abbeville, Al

THE STATE  
 vs.  
 B.C. Money, Sr.

Heather Flaherty  
 515 Columbia Rd  
 Abbeville, Al

I.D. No.

Tammy Amos  
 Rt 1 Box 24  
 Shorterville, Al 36373

O.

Patricia Money  
 Rt 1  
 Columbia, Al

SEXUAL ABUSE 1ST DEGREE

(Over)

A TRUE BILL

Continued Witnesses

Melvin Willis

Foreman of the Grand Jury

Presented to the presiding Judge in open court  
foreman of the Grand Jury, in the presence of  
J. Grand Jurors and filed in open  
court by order of the court on this July 26,  
day of July, 1904.

Marie Beckerman

Clerk

## INDICTMENT

NO PROSECUTOR

Upon the arrest of Defendant let him be  
admitted to bail on giving bond in the sum of  
Ten Thousand Dollars  
with security to be approved by the Sheriff.

This 26 day of July 1904

E. Woodward

Judge Presiding

State of Alabama  
Unified Judicial System  
Form C-52 Rev 6/88

**CONSOLIDATED BOND**  
**(District Court, Grand Jury, Circuit Court)**

Case Number

IN THE CIRCUIT COURT OF HENRY COUNTY

STATE OF ALABAMA v.

We BRAGG COMER MONEY SR (Defendant) as principal  
and we \_\_\_\_\_ (please print) as sureties

agree to pay the State of Alabama \$ 10,000.00 Dollars  
unless the above named defendant appears before the District Court of said County on (Date): OCT 5, 1994  
at (Time) 9:00 AM or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of SEXUAL  
ABUSE 1ST DEGREE

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

B.C. Money RT 1 Box 35, Columbia, AL  
Signature of Defendant Address (Print) City

Frank Money Rt 1 Box 33 Columbia, AL  
Signature of Surety Address (Print) City

Jared Money 10 Box 181 Columbia, AL  
Signature of Surety Address (Print) City

Ruby Money Columbia, AL  
Signature of Surety Address (Print) City

Karen Money Columbia, AL  
Signature of Surety Address (Print) City

8-12-94 Lawton C. Armstrong  
Date Approved by Sheriff/Judge

By: Deputy Sheriff

Defendant's Information			
DOB	<u>03-22-22</u>		
S. S. No.	<u>420-50-3187</u>		
DL No.	<u>0833087</u>	State (AL)	Phone No. <u>696-4691</u>

Appearance Bond - Property     Appearance Bond - Recognizance     Bail Bond     Cash Bond

State of Alabama Unified Judicial System Form C-50 Rev 6/88	JURY VERDICT	Case Number CC-94-068
IN THE CIRCUIT COURT OF _____ Plaintiff/State OF ALABAMA		HENRY COUNTY v. Defendant B. C. MONEY, SR.
<p>We, the Jury, find the defendant, B. C. Money, Sr., guilty of Sexual Abuse, 1st degree, as charged in the Indictment.</p>		
Date filed <u>Oct 6 - 95</u>	<u>Bonnie Gish</u> Name of Foreman (please print) <u>Bonnie Gish</u> Foreman Signature <u>Connie Burdette</u> Clerk of Circuit Court	By:

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE# CC 94 000068 00

06/06/94	OFDT	OFFENSE DATE OF:	06/06/94
06/08/94	ARRS	DEFENDANT ARRESTED ON:	06/08/94
07/29/94	INDT	DEFENDANT INDICTED ON:	07/29/94
08/01/94	FILE	ON 08/01/94 FILED	
08/01/94	CHG1	CHARGE AT FILING OF:	SEXUAL ABUSE 1ST
08/01/94	BOND	BOND SET FOR	\$10,000.00
08/01/94	YODF	DEFENDANT YOUTHFUL OFFENDER NOT APPROVED	
08/01/94	DAT1	CASE SET ON 10/05/94 FOR ARRAIGNMENT	
08/01/94	ATY1	ATTORNEY FOR DEFENDANT:	RAMSEY, RICHARD H, IV
08/01/94	CAPS	CAPIAS ISSUED	080194
08/12/94	RELE	DEFENDANT RELEASED ON:	08/12/94
08/15/94	DOC1	DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1	
08/17/94	TEXT	MOTION TO REVOKE BOND FILED BY STATE	
08/17/94	TEXT	SET FOR BOND HEAR ON 8-19-94 BEFORE JUDGE WOODHAM	
08/24/94	TEXT	AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM	
08/26/94	TEXT	WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV	
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08/26/94	TEXT	FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF	
08/26/94	TEXT	STATE'S WITNESS FILED BY R RAMSEY IV	
09/01/94	TEXT	MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE	
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09/01/94	TEXT	MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER	
09/01/94	TEXT	CELEST MONEY FILED BY D VALESKA	
09/07/94	TEXT	ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI	
09/09/94	TEXT	ORDER FILED /S/ CRESPI	
09/12/94	DOCK	DOCKET NOTICE MAILED ON 09/12/94	
10/13/94	TEXT	MOTION TO DISMISS FILED BY R RAMSEY IV	

10/14/94 Motion to dismiss denied by pres. Judge

STATE OF ALABAMA VS MONEY B C SR

06/06/94	CFDT	OFFENSE DATE OF:	06/06/94
06/08/94	ARRE	DEFENDANT ARRESTED ON:	06/08/94
07/29/94	INDT	DEFENDANT INDICTED ON:	07/29/94
08/01/94	FILE	ON 08/01/94 FILED	
08/01/94	CHG1	CHARGE AT FILING OF:	SEXUAL ABUSE 1ST
08/01/94	BOND	BOND SET FOR:	\$10,000.00
08/01/94	YOOF	DEFENDANT YOUTHFUL OFFENDER NOT APPROVED	
08/01/94	DAT1	CASE SET ON 10/05/94 FOR ARRAIGNMENT	
08/01/94	ATY1	ATTORNEY FOR DEFENDANT:	RANSEY, RICHARD H. IV
08/01/94	CAPS	CAPIAS ISSUED	080194
08/12/94	RELE	DEFENDANT RELEASED ON:	08/12/94
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09/07/94	TEXT	ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI	
09/09/94	TEXT	ORDER FILED /S/ CRESPI	
09/12/94	DOCK	DOCKET NOTICE MAILED ON 09/12/94	
10/13/94	TEXT	MOTION TO DISMISS FILED BY R RAMSEY IV	
10/23/94	TEXT	MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-	
10/28/94	TEXT	DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV	

11-4-94 Order filed by Asst.

11-5-94 Motion to Consolidate

filed by C. Axos

12-2-94 Motion to Suppress

filed by R. Ramsey IV

12/7/94 I have not received the files in these cases in time to set a consolidation hearing. I have therefore denied the motion to consolidate. Notify. cmpl. Judge

D. Axos

STATE OF ALABAMA VS MONEY B C SR

-110-

06/06/94	DFDT	OFFENSE DATE OF:	06/06/94
06/08/94	ARRS	DEFENDANT ARRESTED ON:	06/08/94
07/29/94	INDT	DEFENDANT INDICTED ON:	07/29/94
08/01/94	FILE	ON 08/01/94 FILED	
08/01/94	CHG1	CHARGE AT FILING OF:	SEXUAL ABUSE 1ST
08/01/94	BOND	BOND SET FOR:	\$10,000.00
08/01/94	YOOF	DEFENDANT YOUTHFUL OFFENDER NOT APPROVED	
08/01/94	DAT1	CASE SET ON 10/05/94 FOR ARRAIGNMENT	
08/01/94	ATY1	ATTORNEY FOR DEFENDANT:	RAMSEY, RICHARD H, IV
08/01/94	CAPS	CAPIAS ISSUED	080194
08/12/94	RELE	DEFENDANT RELEASED ON:	08/12/94
08/15/94	DOC1	DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1	
08/17/94	TEXT	MOTION TO REVOKE BOND FILED BY STATE	
08/17/94	TEXT	SET FOR BOND HEAR ON 8-19-94 BEFORE JUDGE WOODHAM	
08/24/94	TEXT	AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM	
08/26/94	TEXT	WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV	
08/26/94	TEXT	MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND	
08/26/94	TEXT	FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF	
08/26/94	TEXT	STATE'S WITNESS FILED BY R RAMSEY IV	
09/01/94	TEXT	MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE	
09/01/94	TEXT	TO DEFENDANT FILED BY R RAMSEY IV	
09/01/94	TEXT	OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE OF	
09/01/94	TEXT	PSYCHIATRIC HISTORY AND PSYCHOLOGICAL AND	
09/01/94	TEXT	MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER	
09/01/94	TEXT	CELEST MONEY FILED BY D VALESKA	
09/07/94	TEXT	ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI	
09/09/94	TEXT	ORDER FILED /S/ CRESPI	
09/12/94	DOCK	DOCKET NOTICE MAILED ON 09/12/94	
10/13/94	TEXT	MOTION TO DISMISS FILED BY R RAMSEY IV	
10/28/94	TEXT	MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-	
10/28/94	TEXT	DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV	
11/04/94	TEXT	ORDER FILED /S/ CRESPI	
11/18/94	DAT1	CASE SET ON 12/19/94 FOR TRIAL	
11/21/94	DOCK	DOCKET NOTICE MAILED ON 11/21/94	
12/02/94	TEXT	MOTION TO SUPPRESS FILED BY R RAMSEY IV	
12/05/94	TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS	
12/05/94	SUBP	WITNESS SUBPOENA ISSUED	
2/13/94	TEXT	DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE	
2/13/94	TEXT	FILED BY R RAMSEY IV	

12/21/94 Contained unreachd engg; fdfa

IN THE CIRCUIT COURT OF HENRY COUNTY

JUDGE: CLL

STATE OF ALABAMA VS MONEY B C SR

06/06/94	OFDT	OFFENSE DATE OF:	06/06/94
06/08/94	ARRS	DEFENDANT ARRESTED ON:	06/08/94
07/29/94	INDT	DEFENDANT INDICTED ON:	07/29/94
08/01/94	FILE	ON 08/01/94 FILED	
08/01/94	CHG1	CHARGE AT FILING OF: SEXUAL ABUSE 1ST	
08/01/94	BOND	BOND SET FOR \$10,000.00	
08/01/94	YODF	DEFENDANT YOUTHFUL OFFENDER NOT APPROVED	
08/01/94	DATI	CASE SET ON 10/05/94 FOR ARRAIGNMENT	
08/01/94	ATY1	ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H. IV	
08/01/94	CAPS	CAPIAS ISSUED 080194	
08/12/94	RELE	DEFENDANT RELEASED ON: 08/12/94	
08/15/94	DOC1	DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1	
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08/26/94	TEXT	WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV	
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08/26/94	TEXT	FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF	
08/26/94	TEXT	STATE'S WITNESS FILED BY R RAMSEY IV	
09/01/94	TEXT	MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE	
09/01/94	TEXT	TO DEFENDANT FILED BY R RAMSEY IV	
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09/01/94	TEXT	PSYCHIATRIC HISTORY AND PSYCHOLOGICAL AND	
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09/01/94	TEXT	CELEST MONEY FILED BY D VALESKA	
09/07/94	TEXT	ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI	
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12/02/94	TEXT	MOTION TO SUPPRESS FILED BY R RAMSEY IV	
12/05/94	TEXT	MOTION TO CONSOLIDATE FILED BY C ANOS	
12/05/94	SUBP	WITNESS SUBPOENA ISSUED	
12/13/94	TEXT	DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE	
12/13/94	TEXT	FILED BY R RAMSEY IV	
12/21/94	TEXT	CONTINUED UNREACHED	
02/24/95	DAT1	CASE SET ON 03/20/95 FOR TRIAL	
03/01/95	DOCK	DOCKET NOTICE MAILED ON 03/02/95	
03/02/95	TEXT	MOTION TO CONSOLIDATE FILED BY C ANOS	
03/06/95	TEXT	MOTION TO CONTINUE FILED BY R RAMSEY IV	

3/8/95 - State's motion to consolidate is granted -  
 Defendant's motion to continue is granted - No trial set - S. Little  
 Judge

IN THE CIRCUIT COURT OF HENRY COUNTY

JUDGE: CLL

STATE OF ALABAMA VS MONEY B C SR

06/06/94 OFDT OFFENSE DATE OF: 06/06/94  
06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
08/01/94 FILE ON 08/01/94 FILED  
08/01/94 CHG1 CHARGE AT FILING OF: SEXUAL ABUSE 1ST  
08/01/94 BOND BOND SET FOR \$10,000.00  
08/01/94 YOOF DEFENDANT YOUTHFUL OFFENDER NOT APPROVED  
08/01/94 DAT1 CASE SET ON 10/05/94 FOR ARRAIGNMENT  
08/01/94 ATY1 ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H. IV  
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08/26/94 TEXT MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND  
08/26/94 TEXT FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF  
08/26/94 TEXT STATE'S WITNESS FILED BY R RAMSEY IV  
09/01/94 TEXT MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE  
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09/01/94 TEXT OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE OF  
09/01/94 TEXT PSYCHIATRIC HISTORY AND PSYCHOLOGICAL AND  
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09/01/94 TEXT CELEST HONEY FILED BY D VALESKA  
09/02/94 TEXT ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI  
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10/28/94 TEXT ORDER FILED /S/ CRESPI  
11/04/94 TEXT CASE SET ON 12/19/94 FOR TRIAL  
11/18/94 DAT1 DOCKET NOTICE MAILED ON 11/21/94  
11/21/94 DOCK MOTION TO SUPPRESS FILED BY R RAMSEY IV  
12/02/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
12/05/94 TEXT WITNESS SUBPOENA ISSUED  
12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
FILED BY R RAMSEY IV  
12/13/94 TEXT CONTINUED UNREACHED  
12/21/94 TEXT CASE SET ON 03/20/95 FOR TRIAL  
02/24/95 DAT1 DOCKET NOTICE MAILED ON 03/02/95  
03/01/95 DOCK MOTION TO CONSOLIDATE FILED BY C AMOS  
03/02/95 TEXT MOTION TO CONTINUE FILED BY R RAMSEY IV  
03/08/95 TEXT MOTION TO CONSOLIDATE GRANTED; MOTION TO CONTINUE  
03/08/95 TEXT DENIED /S/ LITTLE  
03/09/95 SUBP WITNESS SUBPOENA ISSUED  
03/15/95 TEXT DEFENDANT'S ADDITIONAL OBJECTION TO MOTION TO  
CONSOLIDATE FILED BY R RAMSEY IV

3-16-95 P<sup>J</sup> RRV Defendant's Additional Objection to Consolidation  
is denied. Notify J. Little, Judge

3-21-95 Case Confirmed for deft  
+ State - J. Little, Judge

Style:

B. C. Money, Jr.

Page Number \_\_\_\_\_ of \_\_\_\_\_ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

10-6-1995

Defendant heretofore having been indicted and arraigned upon  
an indictment on a charge of Sexual Abuse 1st  
and heretofore having plead not guilty thereto, issue joined on  
said plea. Thereupon comes a jury of good and lawfull men and  
women, to-wit, Bonnie J. Hiller  
and eleven others, who being duly empannelled, sworn and  
charged by the Court according to law, before whom the trial  
of this cause was enlarged upon and continued from day to  
day and from time to time, said Defendant, B.C.

Money, Jr., being in open Court with his attorney at each  
and every stage and during all the proceedings in this cause,  
now on this the 16<sup>th</sup> day of October, 1995,  
said jurors upon their oaths do say:

"WE, THE JURY, FIND THE DEFENDANT GUILTY OF

Sexual Abuse 1st  
AS CHARGED IN THE INDICTMENT"

JUDGE

10-6-1995

in accordance with the verdict of the Jury, Defendant is  
hereby adjudged guilty of Sexual Abuse 1st  
as charged in the indictment. Defendant being asked if he  
had anything to say why the sentence of law should not be  
pronounced upon him, the Defendant says nothing but pre-  
sentence report is requested by Hillier  
Hearing set for 10-27-1995 at 9:00 A.M.

JUDGE

10-27

1995

The Court therefore adjudges the Defendant guilty of

Sexual Abuse.  
The Defendant and his Attorney being in open Court and  
being asked by the Court if he has anything to say why the  
sentence of Law should not be pronounced upon him says  
nothing. It is therefore considered by the Court and it is the  
judgement and sentence of the Court that this Defendant be  
imprisoned in the penitentiary of the State of Alabama for  
a period of 10 years.

Defendant is further ordered to pay a Fine of \_\_\_\_\_  
restitution in the amount of \_\_\_\_\_ to TBD  
and a victim compensation assessment of \$500.00.  
Defendant is given credit for days spent incarcerated pending  
trial.

JUDGE

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000274.00  
OTHER CASE NBR:

Dc-94-370

C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLY WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B. C. MONEY SR. WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT

DID ON OR ABOUT SEP 1993 - DEC 1993, A MALE, ENGAGE IN SEXUAL INTERCOURSE WITH AMANDA HADDAN, A FEMALE, BY FORCEABLE COMPULSION, BEHIND A TOOL SHED ON THE PROPERTY OF B. C. MONEY, SR. IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Clyde Hornsby*  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 09 DAY OF JUNE, 1994.

*Tonie Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESS FOR THE STATE

HORNSBY CLY // / 00000  
HORNSBY CLYDE/C/O HENRY CO SO//ABBEVILLE/36310  
MONEY AMBER CELESTE/RT//COLUMBIA/36319  
FLAHERTY HEATHER/515 COLUMBIA RD//ABBEVILLE/36310  
AMOS TAMMY/RT 1 BOX 24/OLD RIVER ROAD/SHORTERVILLE/36373  
MONEY PATRICIA E/RT 1//COLUMBIA/36319

OPERATOR: COR DATE: 06/09/94

## W A R R A N T

STATE OF ALABAMA

HENRY COUNTY

DISTRICT COURT

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000274, 00  
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST B. C. MONEY SR AND BRING HIM/HER BEFORE THE DISTRICT COURT OF HENRY COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

RAPE 1ST DEGREE CLASS:A TYPE:F  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTIL YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE 1994 DAY OF July 1994, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 09 DAY OF JUNE, 1994.

BOND SET AT: \$100,000 even BOND TYPE:*Connie Bardehau*  
JUDGE/JERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

NAME: B. C. MONEY SR ALIAS:  
ADDRESS: RT 1 ALIAS:  
ADDRESS:  
CITY: COLUMBIA STATE: AL ZIP: 36319 0000EMPLOYMENT:  
DOB: 03/22/22 RACE: W SEX: M HAIR:  
EYE: HEIGHT: 0'00" WEIGHT: 000  
SID: 000000000 SSN: 420503187

## E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

 PLACING DEFENDANT IN THE HENRY COUNTY JAIL RELEASING DEFENDANT ON APPEARANCE BOND

THIS 9<sup>th</sup> DAY OF JUNE 19 94

*Lawton F. Armstrong*  
SHERIFF

BY

COMPLAINANT: HORNSBY CLY

AL 00000

ERATOR: COB LAST UPDATE: 060994

CASE ACTION SUMMARY  
DISTRICT CRIMINAL

CASE# DC 94 000370 00

IN THE DISTRICT	COURT OF	HENRY	COUNTY	JUDGE#	CWW	
STATE OF ALABAMA	VS	MONEY B. C. SR				
CASE# DC 94 000370 00		COLUMBIA		AL	36319-0000	
DOB: 03/22/22	RACE: W	SEX: M	HT: 000	WT: 000	HR#: EYE:	
SSN: 420503187	ALIAS NAMES:					
CHARGE1: RAPE 1ST DEGREE	CODE1: RAP1 LIT:RAPE 1ST DEGREE TYPE:F					
CHARGE2:	CODE2: 0000 TYPE:F					
CHARGE3:	CODE3: 0000 TYPE:F					
MORE?#	OFFENSE DATE: / / /					AGENCY/OFFICER: 0370000SULLIVAN
DATE WAR/CAP ISS:	DATE ARRESTED: 06/29/94					
DATE INDICTED:	DATE FILED: 06/29/94					
DATE RELEASED:	DATE HEARING: / / /					
BOND AMOUNT:	SURETIES:					
DATE 1: 07/19/94 DESC: 0000 TIME: 0900 A						
DATE 2: DESC: 0000 TIME: 0000						
DEF/ATY: RAMSEY, RICHARD, IV	TYPE:					TYPE:
PROSECUTOR:						
OTH CSE: 0000000000	CHK/TICKET NO:					GRAND JURY:
COURT REPORTER	SID NO: 0000000000					
DEF STATUS: JAIL	JURY DEMAND:					OPID: SAS
DATE	ACTIONS, JUDGMENTS, CASE NOTES					

- 7.21.94 Bond is hereby reduced to \$10,000.00. Defendant, if released, shall be released in the custody of Mrs. B. C. Money, and he shall remain in her custody until this case is finally determined.
- Woodham Judge
- 7.21.94 As a further condition of his release, defendant shall have no contact with the alleged victim without being accompanied by another adult.
- Woodham Judge
- 7.26.94 BD

State of Alabama  
Unified Judicial System  
Form C-52 Rev 6/88

**CONSOLIDATED BOND**  
**(District Court, Grand Jury, Circuit Court)**

Case Number

IN THE \_\_\_\_\_  
STATE OF ALABAMA

COURT OF \_\_\_\_\_ COUNTY  
v. Bragg Comer Money, Sr.

We \_\_\_\_\_  
and we \_\_\_\_\_  
(please print)

as sureties

agree to pay the State of Alabama \$ 10,000.00 Dollars  
unless the above named defendant appears before the District Court of said County on (Date) Aug. 16, 1994  
at (Time) 9:00 or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of  
Rape 1st & degree

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time as the undersigned are duly exonerated.

X B.C. Money RT 1 Box 35 Columbia, Ala 36319  
Signature of Defendant Address (Print) City

X Ruby Money Columbia, Ala RT 1 Box 35 36319  
Signature of Surety Address (Print) City

X F. Bristow Money RT. 1 Box 33, Columbia, Al.  
Signature of Surety Address (Print) City

X James D Money PO Box 181 Columbia, Al. 36319  
Signature of Surety Address (Print) City

Bette B. Bristow RT. 1 Box 33-1B Columbia, Al. 36319  
Signature of Surety Address (Print) City

Date

July 21, 1994

D. E. Leach  
Approved by Sheriff/Judge

By: Deputy Sheriff

Defendant's Information

DOB \_\_\_\_\_

Sex M

S. S. No. \_\_\_\_\_

Race W

DL No. \_\_\_\_\_

State ( )

Phone No. \_\_\_\_\_



Appearance Bond - Property



Appearance Bond - Recognizance



Bail Bond



Cash Bond

Grand Jury No. 196

Case No. \_\_\_\_\_

**INDICTMENT**

The State of Alabama  
 HENRY COUNTY }

CIRCUIT COURT  
 TWENTIETH JUDICIAL CIRCUIT

July Term, 19 94

The grand jury of said county charge that, before the finding of the indictment,

B.C. Money, Sr.

whose name is otherwise unknown to the Grand Jury,  
 a male, did engage in sexual intercourse with Amanda Haddan, a  
 female, by forcible compulsion, in violation of 13A-6-61 of the  
 Code of Alabama, against the peace and dignity of the State of  
 Alabama.

Douglas Albert Valeska  
 District Attorney

---

THE STATE OF ALABAMA  
 Henry County

---

Witnesses:

Amanda Haddan

---

THE CIRCUIT COURT  
 Twentieth Judicial Circuit

---

Clyde Hornsby  
 SO  
 Abbeville, Al

---

THE STATE  
 vs.  
 B.C. Money, Sr.

Amber Money  
 Rt  
 Columbia, Al

S.I.D. No.

Heather Flaherty  
 515 Columbia Rd  
 Abbeville, Al

D.O.A.

Patricia Money  
 Rt 1  
 Columbia, Al

---

RAPE, 1ST DEGREE

A TRUE BILL

Mark A. Kilday

Foreman of the Grand Jury

Presented to the presiding Judge in open court  
foreman of the Grand Jury, in the presence of  
J.P. Grand Jurors and filed in open  
court by order of the court on this the  
day of July, 1984.

Connie Burcham  
Clerk

INDICTMENT

NO PROSECUTOR

Upon the arrest of Defendant let him be  
admitted to bail on giving bond in the sum of  
Twenty Five  
Thousand Dollars  
with security to be approved by the Sheriff.

This 25<sup>th</sup> day of July 1984

Judge Presiding

D.W. Mohr

State of Alabama  
Unified Judicial System  
Form C-52 Rev 6/88

**CONSOLIDATED BOND**  
**(District Court, Grand Jury, Circuit Court)**

Case Number

IN THE CIRCUIT COURT OF HENRY COUNTY

STATE OF ALABAMA v.

We BRAGG COMER MONEY SR (Defendant) as principal  
and we \_\_\_\_\_ (please print)

agree to pay the State of Alabama \$25,000.00 Dollars  
unless the above named defendant appears before the District Court of said County on (Date): OCT 5 1994  
at (Time) 9:00 AM or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of RAPE 1ST  
DEGREE

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

B.C. Money

Signature of Defendant

RT 1 Box 35, Columbia, AL

City

Frank Money Rt Box 33 Columbia al

Signature of Surety

Address (Print)

City

James Money Po Box 181 Columbia Al.

Signature of Surety

Address (Print)

City

Ruby Money Calera Al.

Signature of Surety

Address (Print)

City

Roger Money

Signature of Surety

Columbia ; Ah.  
Louisville ; Ah.

Address (Print)

City

8-12-94

Date

Approved by Sheriff/Judge

Lawton C Armstrong

Chester Smith

By: Deputy Sheriff

Defendant's Information

DOB 03-22-22

Sex M

S. S. No. 420-50-3187

Race W

DL No. 0833087

State (AL)

Phone No. 626-4691

Appearance Bond - Property     Appearance Bond - Recognizance     Bail Bond     Cash Bond

121-

State of Alabama Unified Judicial System		JURY VERDICT	Case Number
Form C-50	Rev 6/88		CC-94-069
IN THE CIRCUIT COURT OF _____		HENRY	COUNTY
Plaintiff/State OF ALABAMA		v. Defendant B. C. MONEY, SR.	
<p>We, the Jury, find the defendant, B. C. Money, Sr., guilty of Rape, 1st Degree, as charged in the Indictment.</p>			
<p><u>Connie Geth</u> Name of Foreman (please print)</p>			
<p><u>Bonnie B. B. B. S.</u> Foreman Signature</p>			
<p><u>Connie Burdett</u> By: Clerk of Circuit Court</p>			
<p>Date filed <u>Oct 6 - 98</u></p>			

- 122 -

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE# PC 94 000069 00

IN THE CIRCUIT COURT OF HENRY COUNTY JUDGE: ~~WMC~~  
STATE OF ALABAMA vs MONEY B.C. SR RT 1  
CASE# CC 94 000069 00

DOB: 03/22/22 RACE: W SEX: M HT: 000 WT: 000 HRS: EYE:

CHARGE1: RAPE 1ST DECREE CODE1: RAP1 LIT:RAPE 1ST DECREE TYPE: F  
CHARGE2: CODE2: 0000 TYPE: F  
CHARGE3: CODE3: 0000 TYPE: F  
MORE?: OFFENSE DATE: / / AGENCY/OFFICER: 0370000SULLIVAN

DATE WAR/CAF ISS: 1/1/ DATE ARREST/DET: 06/09/1974  
DATE INDICTED: 07/27/74 DATE FILED: 03/01/1974  
DATE RELEASED: 1/1/ DATE HEARING: 1/1/  
FOND AMOUNT: \$25,000.00 SURETIES:

DATE 1: 10/05/94 DESC: ARRG TIME: 0900 A  
DATE 2: DESC: 0000 TIME: 0000

DEFENDANT: RAMSEY, RICHARD H., IV TYPE: A  
PROSECUTOR: TYPE:

**DATE**      **ACTIONS, JUDGMENTS, CASE NOTES**

STATE OF ALABAMA VS MONEY B C SR

06/09/94	ARRS	DEFENDANT ARRESTED ON: 06/09/94
07/29/94	INDT	DEFENDANT INDICTED ON: 07/29/94
08/01/94	FILE	ON 08/01/94 FILED
08/01/94	CHG1	CHARGE AT FILING OF: RAPE 1ST DEGREE
08/01/94	BOND	BOND SET FOR \$25,000.00
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08/01/94	CAPS	080194 CAPIAS ISSUED
08/12/94	RELE	DEFENDANT RELEASED ON: 08/12/94
08/15/94	DDC1	DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1
08/17/94	TEXT	MOTION TO REVOKE BOND FILED BY STATE
08/17/94	TEXT	SET FOR BOND HEAR ON 8-19-94 BEFORE JUDGE WOODHAM
08/24/94	TEXT	AMENDMENT OF RELEASE ORDER FILED /S/ WOODHAM
08/26/94	TEXT	WAIVER OF ARRAIGNMENT FILED BY R RAMSEY IV
08/26/94	TEXT	MOTION FOR DISCLOSURE OF PSYCHIATRIC HISTORY AND FOR PSYCHOLOGICAL AND MEDICAL EXAMINATION OF
08/26/94	TEXT	OF STATE'S WITNESS
09/01/94	TEXT	MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE TO DEFENDANT FILED BY R RAMSEY IV
09/01/94	TEXT	OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE OF
09/01/94	TEXT	PSYCHIATRIC HISTORY AND PSYCHOLOGICAL AND MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER
09/01/94	TEXT	CELESTE MONEY FILED BY D VALESKA
09/07/94	TEXT	ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI
09/09/94	TEXT	ORDER FILED /S/ CRESPI
09/12/94	DOCK	DOCKET NOTICE MAILED ON 09/12/94
10/13/94	TEXT	MOTION TO DISMISS FILED BY R RAMSEY IV

RJ  
releged motion to dismiss denied. Copy, Judge.

STATE OF ALABAMA VS MONEY B C SR

-124-

06/09/94 ARRS DEFENDANT ARRESTED ON: 06/09/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
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10/28/94 TEXT MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-  
10/28/94 TEXT DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV

11-4-94 order filed by Judge

11-5-94 motion to consolidate

filed by C. Ames

11-2-94 Motion to Suppress

filed by R. Ramsey IV

12/7/94 I have not received the files in these cases in time to set  
a consolidation hearing. I have therefore denied the motion  
to consolidate. Notify. *Sup. Judge*

DRH  
12/11

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

-195-

STATE OF ALABAMA VS MONEY B C SR

06/09/94 ARRS DEFENDANT ARRESTED ON: 06/09/94  
 07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
 08/01/94 FILED ON 08/01/94 FILED  
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 11/04/94 TEXT ORDER FILED /S/ CRESPI  
 11/18/94 DAT1 CASE SET ON 12/19/94 FOR TRIAL  
 11/21/94 DOCK DOCKET NOTICE MAILED ON 11/21/94  
 12/02/94 TEXT MOTION TO SUPPRESS FILED BY R RAMSEY IV  
 12/05/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
 12/05/94 SUBP' WITNESS SUBPOENA ISSUED  
 12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
 12/13/94 TEXT FILED BY R RAMSEY IV

12/21/94 Continued unreachd Grp, 12/21/94

CASE# CC 94 000069.00

IN THE CIRCUIT COURT OF HENRY COUNTY	JUDGE: CLL
STATE OF ALABAMA VS MONEY B C SR	

06/09/94	ARRS	DEFENDANT ARRESTED ON: 06/09/94
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12/05/94	SUBP	WITNESS SUBPOENA ISSUED
12/13/94	TEXT	DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE
12/13/94	TEXT	FILED BY R RAMSEY IV
12/21/94	TEXT	CONTINUED UNREACHED
02/24/95	DAT1	CASE SET ON 03/20/95 FOR TRIAL
03/01/95	DOCK	DOCKET NOTICE MAILED ON 03/02/95
03/02/95	TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS
03/06/95	TEXT	MOTION TO CONTINUE FILED BY R RAMSEY IV

3/8/95 - State's Motion to Consolidate is granted  
Defendant's Motion to Continue is denied - notf, -  
V. Little, Judge.

IN THE CIRCUIT COURT OF HENRY COUNTY JUDGE: CLL  
STATE OF ALABAMA VS MONEY B C SR

06/09/94	ARRG	DEFENDANT ARRESTED ON: 06/09/94
07/29/94	INDT	DEFENDANT INDICTED ON: 07/29/94
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02/05/95	TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS
02/05/95	SURP	WITNESS SUBPOENA ISSUED
02/13/95	TEXT	DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE
02/13/95	TEXT	FILED BY R RAMSEY IV
02/21/95	TEXT	CONTINUED UNREACHED
02/24/95	DAT1	CASE SET ON 03/20/95 FOR TRIAL
03/01/95	DOCK	DOCKET NOTICE MAILED ON 03/02/95
03/02/95	TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS
03/06/95	TEXT	MOTION TO CONTINUE FILED BY R RAMSEY IV
03/08/95	TEXT	MOTION TO CONSOLIDATE GRANTED; MOTION TO CONTINUE
03/08/95	TEXT	DENIED /S/ LITTLE
03/09/95	SURP	WITNESS SUBPOENA ISSUED
03/15/95	TEXT	DEFENDANT'S ADDITIONAL OBJECTION TO MOTION TO
03/15/95	TEXT	CONSOLIDATE FILED BY R RAMSEY IV

3-16-95 *RR* Defendant's Additional Objection to Consolidation  
is denied. Notify. *Little, Judge*

3-21-95 Case continue for deft +  
State - *L Little, Judge*

Style:

*B. C. Money Jr.*

Page Number \_\_\_\_\_ of \_\_\_\_\_ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

10-6-1975

Defendant heretofore having been indicted and arraigned upon an indictment on a charge of Rape 1st and heretofore having plead not guilty thereto, issue joined on said plea. Thereupon comes a jury of good and lawful men and women, to-wit, Bonnie J. Hiltz

and eleven others, who being duly empannelled, sworn and charged by the Court according to law, before whom the trial of this cause was entered upon and continued from day to day and from time to time, said Defendant B.C.

Money Jr., being in open Court with his attorney at each and every stage and during all the proceedings in this cause, now on this the 6 day of Oct, 1995: said jurors upon their oaths do say:

"WE, THE JURY, FIND THE DEFENDANT GUILTY OF

Rape 1st  
AS CHARGED IN THE INDICTMENT."

*J. Hiltz*  
JUDGE

10-6-1995

In accordance with the verdict of the Jury, Defendant is hereby adjudged guilty of Rape 1st as charged in the indictment. Defendant being asked if he has anything to say why the sentence of law should not be pronounced upon him, the Defendant says nothing but pre-sentence report is requested by DeLo.

Hearing set for 10-27-1995 at 9:30 A.M.

10-27

19 95

*J. Hiltz* The Court therefore adjudges the Defendant guilty of Rape 1st

The Defendant and his Attorney being in open Court and being asked by the Court if he has anything to say why the sentence of Law should not be pronounced upon him says nothing. It is therefore considered by the Court that it is the judgement and sentence of the Court that this Defendant be imprisoned in the penitentiary of the State of Alabama for a period of 99 years.

Defendant is further ordered to pay a fine of \_\_\_\_\_  
in restitution in the amount of \_\_\_\_\_ to TBD  
and a victim compensation assessment of \$500.00  
Defendant is given credit for days spent incarcerated pending trial

*J. Hiltz*  
JUDGE

## ALABAMA JUDICIAL INFORMATION SYSTEM

\*\*\* IN THE DISTRICT COURT OF HENRY COUNTY \*\*\*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000271.00  
OTHER CASE NBR: DC-94-371

## COMPLAINT

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B. C. MONEY MONEY WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT

ON OR ABOUT OCT - DEC 1993, B. C. MONEY, SR., DID SUBJECT AMBER MONEY TO SEXUAL CONTACT BY FORCEABLE COMPELCTION OR HE/SHE BEING SIXTEEN YEARS OF AGE OR OLDER, DID SUBJECT TO SEXUAL CONTACT AMBER MONEY WHO IS LESS THAN TWELVE YEARS OF AGE, IN VIOLATION OF 13A-006-066 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Clyde Honey*  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

*Diane Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: SEXUAL ABUSE 1ST DEG 13A-006-066 F

WITNESS FOR THE STATE

OPERATOR: COB DATE: 06/08/94

## W A R R A N T

STATE OF ALABAMA

HENRY COUNTY

DISTRICT COURT

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000271.00  
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST B. C. MONEY MONEY AND BRING HIM/HER BEFORE THE DISTRICT COURT OF HENRY COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

SEXUAL ABUSE 1ST DEG CLASS:C TYPE:F  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF July 1994, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 08 DAY OF JUNE, 1994.

BOND SET AT: \$25,000.00 BOND TYPE:Connie Burdeshaw

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: SEXUAL ABUSE 1ST DEG 13A-006-066 F

NAME: B. C. MONEY MONEY

ADDRESS: RT 1

ADDRESS:

CITY: COLUMBIA

STATE: AL

ALIAS:

ALIAS:

ZIP: 36319 0000

## EMPLOYMENT:

DOB: 03/22/22 RACE: W SEX: M HAIR:

EYE: HEIGHT: 0'00" WEIGHT: 000

SID: 000000000 SSN: 420503187

## E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

 PLACING DEFENDANT IN THE HENRY COUNTY JAIL RELEASING DEFENDANT ON APPEARANCE BONDTHIS 8th DAY OF JUN 19 94

SHERIFF

Lawton Ed Armstrong  
Clyde Henry

CRIMINAL NUMBER:

LAST UPDATE: 060894

CASE ACTION SUMMARY  
DISTRICT CRIMINAL

CASE# DC 94-000371 00

IN THE DISTRICT COURT OF HENRY COUNTY JUDGE: CWA  
STATE OF ALABAMA VS MONEY B. C. MONEY SR RT 1  
CASE# DC 94 000371 00

DOB: 03/22/22 RACE: W SEX: M HT: 000 WT: 000 HR: EYE:

CHARGE1: SEXUAL ABUSE 1ST CODE1: SXA1 LIT:SEXUAL ABUSE 1STTYPE:E  
CHARGE2: CODE2: 0000 : TYPE:E  
CHARGE3: CODE3: 0000 : TYPE:E  
MORE?: OFFENSE DATE: / / AGENCY/OFFICER: 0370000HORNSBY

DATE WAR/CAP ISS:	/ /	DATE ARRESTED:	06/08/74
DATE INDICTED:	/ /	DATE FILED:	06/27/74
DATE RELEASED:	/ /	DATE HEARINGS:	/ /
BOND AMOUNT:	\$25,000.00	SURETIES:	

DATE 1: 07/19/94 DESC: 0000 TIME: 0900 A  
DATE 2: \_\_\_\_\_ DESC: 0000 TIME: 0000

DEFENDANT:  
PROSECUTOR: TYPE: TYPE:

OTH CSE: 0000000000 CHK/TICKET NO: GRAND JURY:  
COURT REPORTER SID NO: 0000000000 OPID: SAS  
DEF STATUS: JAIL JURY DEMAND:

**DATE**      **ACTIONS, JUDGMENTS, CASE NOTES**

07-21-94 | Bond is hereby reduced to \$5,000.00. Defendant, if released, is released in the custody of Mrs. B. C. Money, and he shall remain in her custody until this case is finally determined. As a further condition of Defendants release, he shall not be in the presence of any of the alleged victims unless accompanied by another adult person.

Shane Woodward

CHARLES W. WOODHAM, JUDGE

7-26-94 GQ

State of Alabama Unified Judicial System Form C-52	CONSOLIDATED BOND (District Court, Grand Jury, Circuit Court)	Case Number
--	--	-------------

IN THE District COURT OF Henry COUNTY

STATE OF ALABAMA

v.

Bragg Comer Money, Sr.

We Bragg Comer Money, Sr. (Defendant) as principal  
and we \_\_\_\_\_ as sureties  
(please print)

agree to pay the State of Alabama \$ 5,000<sup>00</sup> Dollars  
unless the above named defendant appears before the District Court of said County on (Date) Aug. 16, 1994  
at (Time) 9:00 or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of  
Sexual Abuse 1st Degree

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

B. Br. Money R#1 Box 35 Columbia, Al. 36319  
Signature of Defendant Address (Print) City

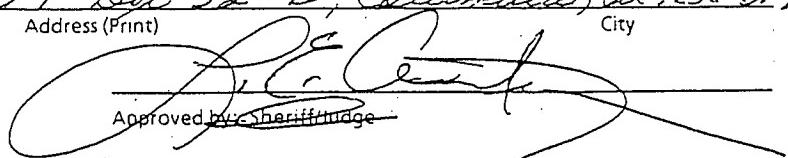
Ruby Money Columbia Al R#1 Box 35 36319  
Signature of Surety Address (Print) City

Frank Money R# 1 Box 33, Columbia, Al  
Signature of Surety Address (Print) City

Jess D Money R#Box 181 Columbia Al 36319  
Signature of Surety Address (Print) City

Betha B. Bristol R# Box 32-B, Columbia, Al. 36319  
Signature of Surety Address (Print) City

July 21, 1994  
Date

  
Approved by: Sheriff/H Judge

By: Deputy Sheriff

Defendant's Information

DOB \_\_\_\_\_

Sex M Male

S. S. No. \_\_\_\_\_

Race White

DL No. \_\_\_\_\_

State ( )

Phone No. \_\_\_\_\_



Appearance Bond - Property



Appearance Bond - Recognizance



Bail Bond



Cash Bond

Grand Jury No. 197

Case No. \_\_\_\_\_

**INDICTMENT**The State of Alabama  
HENRY COUNTY }CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT  
July Term, 19 94

The grand jury of said county charge that, before the finding of the indictment,  
B.C. Money, Sr.

whose name is otherwise unknown to the Grand Jury,  
he being sixteen years of age or older, did subject to sexual  
contact Amber Money, who is less than twelve years of age, in  
violation 13A-6-66 of the Code of Alabama, against the peace and  
dignity of the State of Alabama.

Douglas Albert Valeska  
District AttorneyTHE STATE OF ALABAMA  
Henry County

Witnesses:

Amber Money

THE CIRCUIT COURT  
Twentieth Judicial CircuitClyde Hornsby  
SO  
Abbeville, AlTHE STATE  
vs.  
B.C. Money, Sr.

S.I.D. No.

D.L.

SEXUAL ABUSE 1ST DEGREE

A TRUE BILL

Wm. W. Willis

Foreman of the Grand Jury

Presented to the Presiding Judge in open court  
foreman of the Grand Jury, in the presence of  
J. C. Grand Jurors and filed in open  
court by order of the court on this the 22  
day of July, 1924.

John Buschman  
Clerk

INDICTMENT

NO PROSECUTOR

Upon the arrest of Defendant let him be  
admitted to bail on giving bond in the sum of

\$1,000 Dollars  
with security to be approved by the Sheriff.

This 29 day of July, 1924

Judge Presiding

C. W. W.

State of Alabama Unified Judicial System Form C-52 Rev 6/88	<b>CONSOLIDATED BOND</b> (District Court, Grand Jury, Circuit Court)	Case Number
---	---	-------------

I THE CIRCUIT COURT OF HENRY COUNTY

STATE OF ALABAMA v.

We BRAGG COMER MONEY SR. (Defendant) as principal  
and we \_\_\_\_\_ (please print) as sureties

agree to pay the State of Alabama \$10,000.00 Dollars  
unless the above named defendant appears before the District Court of said County on (Date) OCT 5, 1994  
at (Time) 9:00 AM or at the next session of Circuit Court of said County; there to await the action by the grand  
jury and from session to session thereafter until discharged by law to answer to the charge of SEXUAL  
ABUSE 1ST DEGREE

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the  
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu-  
tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe-  
cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time  
as the undersigned are duly exonerated.

Frank Money RT 1 Box 35, Columbia, AL  
Signature of Defendant Address (Print) City

Frank Money RT 1 Box 33 Columbia, AL  
Signature of Surety Address (Print) City

James P Money P.O. Box 181 Columbia AL  
Signature of Surety Address (Print) City

Rudy Money Columbia, AL  
Signature of Surety Address (Print) City

Roger Money Columbia, AL  
Signature of Surety Address (Print) City

James P Money Louisville, AL  
Signature of Surety Address (Print) City

Lawton E Armstrong  
Approved by: Sheriff/Judge  
Chet Smith  
By: Deputy Sheriff

8-12-94  
Date

Defendant's Information

DOB 03-22-22

Sex M

S. S. No. 420-50-3187

Race W

DL No. 0833087

State (AL)

Phone No. 696-4691



Appearance Bond - Property



Appearance Bond - Recognizance



Bail Bond



Cash Bond

State of Alabama Unified Judicial System Form C-50 Rev 6/88		JURY VERDICT	Case Number CC-94-070
IN THE CIRCUIT COURT OF _____ Plaintiff/State OF ALABAMA		HENRY v. Defendant B. C. MONEY, SR.	COUNTY
<p>We, the Jury, find the Defendant, B. C. Money, Sr., guilty of Sexual Abuse, 1st Degree, as charged in the Indictment.</p>			
<p><i>Bonnie Gilbreath</i> Name of Foreman (please print)</p>			
<p><i>Bonnie Gilbreath</i> Foreman Signature</p>			
<p><i>Connie Burdette</i> Clerk of Circuit Court By:</p>			
Date filed	Oct 6 - 88		

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE:CC 94 000020 00

IN THE CIRCUIT	COURT OF	HENRY	COUNTY	JUDGE: M-C
STATE OF ALABAMA	VS	MONEY ETC SR RT 1		
FILE# CC 94 000070 00		COLUMBIA		AL 36319-0000
DOB: 03/22/62 RACE: W SEX: M	HT: 000	WT: 000	HRW:	EYES:
SSN: 420503187 ALIAS NAMES:				
CHARGE1: SEXUAL ABUSE 1ST	CODE1: SXA1 LIT: SEXUAL ABUSE 1ST TYPE: F			
CHARGE2:	CODE2: 0000 TYPE: F			
CHARGE3:	CODE3: 0000 TYPE: F			
MORE?: OFFENSE DATE: ____/____/____	AGENCY/OFFICER: 0370000CHORNSEY			
DATE WAR/CAP IBS: 07/29/94	DATE ARRESTED: 08/08/94			
DATE INDICTED: 07/29/94	DATE FILED: 08/01/94			
DATE RELEASED: ____/____/____	DATE HEARING: ____/____/____			
BOND AMOUNT: \$10,000.00	SURETIES: _____			
DATE 1: 10/05/94 DESC: ARRG TIME: 0900 A				
DATE 2: DESC: 0000 TIME: 0000				
DEF/ATY: RAMSEY, RICHARD H, IV TYPE: A				
PROSECUTOR:				
OTH CASE: 9400087100	CHK/TICKET NO:	GRAND JURY: 197		
COURT REPORTER	SID NO: 0000000000			
DEF STATUS: BOND	JURY DEMANDED	OFTD: GYE		
DATE	ACTIONS, JUDGMENTS, CASE NOTES			

**DATE**                   **ACTIONS, JUDGMENTS, CASE NOTES**

## STATE OF ALABAMA VS MONEY B C SR

06/08/94	ARRS	DEFENDANT ARRESTED ON: 06/08/94
07/29/94	INDT	DEFENDANT INDICTED ON: 07/29/94
08/01/94	FILE	ON 08/01/94 FILED
08/01/94	CHG1	CHARGE AT FILING OF: SEXUAL ABUSE 1ST
08/01/94	BOND	BOND SET FOR \$10,000.00
08/01/94	DAT1	CASE SET ON 10/05/94 FOR ARRAIGNMENT
08/01/94	ATY1	ATTORNEY FOR DEFENDANT: RAMSEY, RICHARD H. IV
08/01/94	CAPS	CAPIAS ISSUED 080194
08/12/94	RELE	DEFENDANT RELEASED ON: 08/12/94
08/15/94	DOCT1	DOCKET DATE NOTICE SENT TO DEFENSE ATTORNEY 1
08/17/94	TEXT	MOTION TO REVOKE BOND FILED BY STATE
08/17/94	TEXT	SET FOR BOND HEAR ON 8-19-94 BEFORE JUDGE WOODHAM
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08/26/94	TEXT	STATE'S WITNESS FILED BY R RAMSEY IV
09/01/94	TEXT	MOTION FOR STATE TO DISCLOSE EVIDENCE FAVORABLE
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09/01/94	TEXT	OBJECTION TO DEFENDANT'S MOTION FOR DISCLOSURE
09/01/94	TEXT	OF PSYCHIATRIC HISTORY AND PSYCHOLOGICAL AND
09/01/94	TEXT	MEDICAL EXAMINATION OF AMANDA HADDAN AND AMBER
09/01/94	TEXT	CELESTE MONEY FILED BY D VALESKA
09/07/94	TEXT	ORDER DENYING DEFT'S MOTION OF 08/26/94 /S/CRESPI
09/09/94	TEXT	ORDER FILED /S/ CRESPI
09/12/94	DOCK	DOCKET NOTICE MAILED ON 09/12/94
10/13/94	TEXT	MOTION TO DISMISS FILED BY R RAMSEY IV

PY  
RJ  
10/14/94 Motion to dismiss denied Crespi, Judge

IN THE CIRCUIT COURT OF

HENRY COUNTY

JUDGE: M-C

STATE OF ALABAMA VS MONEY B C SR

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
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09/12/94 DOCK DOCKET NOTICE MAILED ON 09/12/94  
10/12/94 TEXT MOTION TO DISMISS FILED BY R RAMSEY IV  
10/28/94 TEXT MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-  
10/28/94 TEXT DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV

11-1-94 Order filed by Court

12-5-94 Motion to Consolidate

filed by Court

12-2-94 Motion to Suppress

filed by R. Ramsey IV

12/7/94 I have not received the files in these cases in time to set a consolidation hearing. I have therefore denied the motion to consolidate. Notify msr: tay

DRW

IN THE CIRCUIT COURT OF HENRY COUNTY

JUDGE: M-C

STATE OF ALABAMA VS MONEY B C SR

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
27/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
08/01/94 FILED ON 08/01/94 FILED  
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10/28/94 TEXT MOTION TO COMPEL DEPT OF HUMAN RESOURCES TO PRO-  
10/28/94 TEXT DUCE RECORDS AND REPORTS FILED BY R RAMSEY IV  
11/04/94 TEXT ORDER FILED /S/ CRESPI  
11/18/94 DAT1 CASE SET ON 12/18/94 FOR TRIAL  
11/18/94 DAT1 CASE SET ON 12/19/94 FOR TRIAL  
11/21/94 DOCK DOCKET NOTICE MAILED ON 11/21/94  
12/02/94 TEXT MOTION TO SUPPRESS FILED BY R RAMSEY IV  
12/05/94 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
12/05/94 SUBP WITNESS SUBPOENA ISSUED  
12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
12/13/94 TEXT FILED BY R RAMSEY IV

12/21/94 Continued Unreached exp. judge

IN THE CIRCUIT COURT OF HENRY COUNTY	JUDGE: CLL
STATE OF ALABAMA VS MONEY BICTOR	
06/08/94 ARRS	DEFENDANT ARRESTED ON: 06/08/94
07/29/94 INDT	DEFENDANT INDICTED ON: 07/29/94
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12/05/94 TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS
12/05/94 SUSP	WITNESSES SUBPOENA ISSUED
12/13/94 TEXT	DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE
12/13/94 TEXT	FILED BY R RAMSEY IV
12/21/94 TEXT	CONTINUED UNREACHED
02/24/95 DAT1	CASE SET ON 03/20/95 FOR TRIAL
03/01/95 DOCK	DOCKET NOTICE MAILED ON 03/02/95
03/02/95 TEXT	MOTION TO CONSOLIDATE FILED BY C AMOS
03/06/95 TEXT	MOTION TO CONTINUE FILED BY R RAMSEY IV

3/8/95 - State's Motion to Consolidate is granted.  
 Defendant's motion to continue is denied. Notf y-  
 (Title) Judge

DCS105

ALABAMA JUDICIAL DATA CENTER  
CASE ACTION SUMMARY

CASE# CC 94-000070.00

JN THE CIRCUIT COURT OF HENRY COUNTY JUDGE: CLL  
 STATE OF ALABAMA VS MONEY B C SR

06/08/94 ARRS DEFENDANT ARRESTED ON: 06/08/94  
 07/29/94 INDT DEFENDANT INDICTED ON: 07/29/94  
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 12/13/94 TEXT DEFENDANT'S OBJECTION TO MOTION TO CONSOLIDATE  
 12/13/94 TEXT FILED BY R RAMSEY IV  
 12/21/94 TEXT CONTINUED UNREACHED  
 02/24/95 DAT1 CASE SET ON 03/20/95 FOR TRIAL  
 03/01/95 DOCK DOCKET NOTICE MAILED ON 03/02/95  
 03/02/95 TEXT MOTION TO CONSOLIDATE FILED BY C AMOS  
 03/06/95 TEXT MOTION TO CONTINUE FILED BY R RAMSEY IV  
 03/08/95 TEXT MOTION TO CONSOLIDATE GRANTED; MOTION TO CONTINUE  
 03/08/95 TEXT DENIED /S/ LITTLE  
 03/09/95 SUSP WITNESS SUBPOENA ISSUED  
 03/15/95 TEXT DEFENDANT'S ADDITIONAL OBJECTION TO MOTION TO  
 03/15/95 TEXT CONSOLIDATE FILED BY R RAMSEY IV

3-16-95 P  
 ffl  
 Defendant's Additional Objection to Consolidation  
 is denied. Notify *Judge*

3-21-95 Case Contained for defendant  
 + State - I tell Judge

State of Alabama  
Unified Judicial System

Form C-7 Rev. 2/79

CASE ACTION SUMMARY  
CONTINUATION

Case Number

CC 94 070.  
ID YR Number

Style:

B.C. Money Jr.

Page Number \_\_\_\_\_ of \_\_\_\_\_ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

10-6 1995

In accordance with the indictment and arraigned upon  
 indictment on a charge of Sexual Abuse, 1st  
 the defendant, having stood to trial thereto issue joined on  
 said plea, in accordance comes a jury of good and lawful men and  
 women, to wit, Brown, T. Wilkins  
 and eleven others, who being duly empannelled, sworn and  
 charged by the Court according to law, before whom the trial  
 of this cause was entered upon and continued from day to  
 day and from time to time, said defendant B.C.

Money Jr., being in open Court with his attorney at each  
 every stage and during all the proceedings in this cause,  
 now on this the 6 day of Oct., 1995;  
 said jurors upon their oaths do say:

THE JURY, FIND THE DEFENDANT GUILTY OF

Sexual Abuse, 1st  
AS CHARGED IN THE INDICTMENT

JUDGE

10-6, 1995

In accordance with the verdict of the Jury, Defendant is  
 hereby adjudged guilty of Sexual Abuse, 1st  
 as charged in the indictment. Defendant being asked if he  
 had anything to say why the sentence of law should not be  
 pronounced upon him, the Defendant says nothing but pre-  
 sentence report is requested by Judge.

Hearing set for 10-27-1995 at 9:00 A.M.

JUDGE

10-27, 1995

The Court therefore adjudges the Defendant guilty of

Sexual Abuse, 1st.  
 The Defendant and his Attorney being in open Court and  
 being asked by the Court if he has anything to say why the  
 sentence of Law should not be pronounced upon him says  
 nothing. It is therefore considered by the Court and it is the  
 judgement and sentence of the Court that this Defendant be  
 imprisoned in the penitentiary of the State of Alabama for  
 a period of 10 years.

Defendant is further ordered to pay a fine of \_\_\_\_\_  
 restitution in the amount of \_\_\_\_\_ to TBD  
 and a victim compensation assessment of \$500.00.  
 Defendant is given credit for days spent incarcerated pending  
 trial.

IN THE CIRCUIT COURT OF HENRY COUNTY

ABBEVILLE, ALABAMA—COUNTY SEAT

APPELLANT. B.C. MONEY

vs.

STATE OF ALABAMA - or -

appellant

- ACTION (Case)

No. CC94-065 → 070

**State Criminal**

1 Civil (Law)

[ ] City Appeal (Crim.)

Civil (Equity)

To: (name) CONNIE BURDESHAW

~~CIRCUIT COURT OF~~ HENRY COUNTY.

FROM: (name) WILLIAM R. MOEGHLIN COURT REPORTER OF 20TH JUDICIAL CIRCUIT OF ALABAMA

**REPORTER'S INDEX TO EXHIBITS**

The following EXHIBITS were received by the Court Reporter in above Action and same have been properly marked and identified. Where capable said exhibit(s) have been assembled herein (in flat file); where incapable of being assembled herein such exhibit(s) placed in suitable separate container. This index includes all exhibits (herein assembled or separately housed - or - other, as indicated) and further indicates those offered, admitted or not admitted into evidence, etc., etc.

[NOTE:- (✓) check appropriate]

**NOTE: ARAP RULE 11(c)...** Reporter shall file all exhibits with trial Court Clerk within 14 days (2 weeks) of date of the Notice of Appeal in Criminal and Civil Actions, assembled in a flat file (not chuck) and if incapable then assembled in a suitable container...with index.

1) ADOPTED INDEX RECEIVED & FILED *See above* 19  
2) EXHIBITS IN FILE &/OR CONTAINER VERIFIED (except as noted)  
*Connee Burdette*  
/S/ CLERK - REGISTER - & - AUTHORIZED ASST.  
CLERK'S GFC [ ] - REGISTER'S OFC [ ]

DATED THIS 3 DAY OF November 1996  
ISI William R. Wooglin  
COURT REPORTER  
20TH JUDICIAL CIRCUIT

State's Exhibit No. 1 (Magazines) is of such size and bulk as to be impracticable to be included in this transcript, but will forward to Court of Criminal Appeals if requested to do so.

Lawton Ed Armstrong  
SheriffHenry County  
Sheriff's DepartmentP.O. Box 298  
Abbeville, Alabama 36310585-3131 or 693-5678  
585-5571DATE: 06/13/94TIME: 1334

I, PATRICIA A. MONEY DO HEREBY DECLAIR THAT I HAVE FREELY AND WILLINGLY GIVE MY CONSENT FOR DEPUTIES OF THE HENRY COUNTY SHERIFF DEPARTMENT AND OR ANY OTHER LAW ENFORCEMENT OFFICER OF ANY LAW ENFORCEMENT AGENCY OF THE STATE OF ALABAMA WHO MAY BE ASSISTING THE HENRY COUNTY SHERIFF DEPARTMENT THE RIGHT TO SEARCH MY RESIDENCE, LOCATED AT RT 1 BOX 35-B COLUMBIA, AL

THIS 13 DAY OF JUN, 19 94.

I DO ALSO DECLAIR THAT I HAVE BEEN ADVISED OF MY RIGHTS AND I DO UNDERSTAND THAT I DO NOT HAVE TO CONSENT TO THE SEARCH AND I DO WAIVE MY RIGHTS AND CONSENT TO A SEARCH OF MY VEHICLE FOR

SIGNED: Patricia Ann Money

WITNESS: CB Hornig

WITNESS: Beth Rushing

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

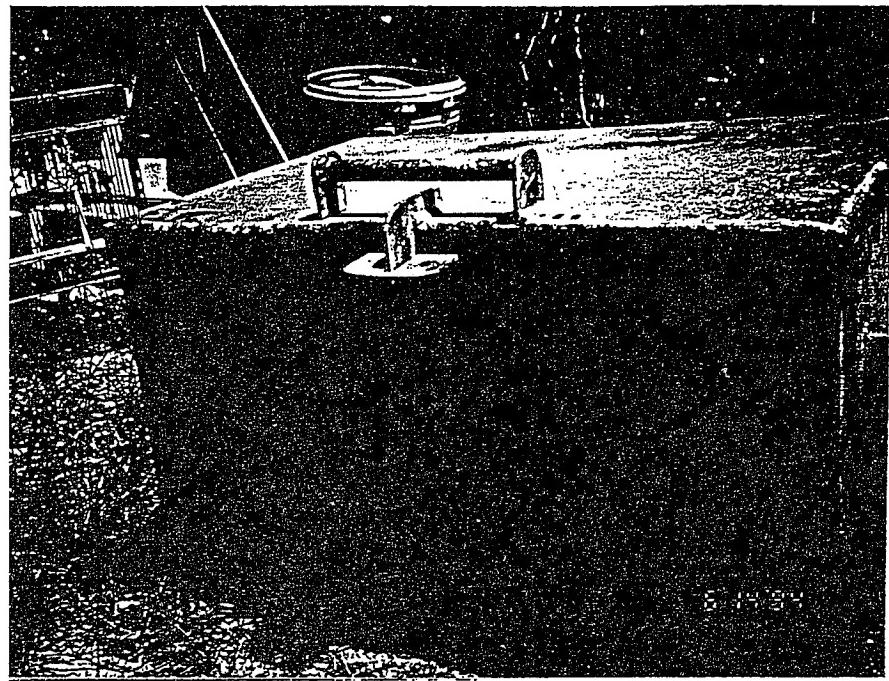
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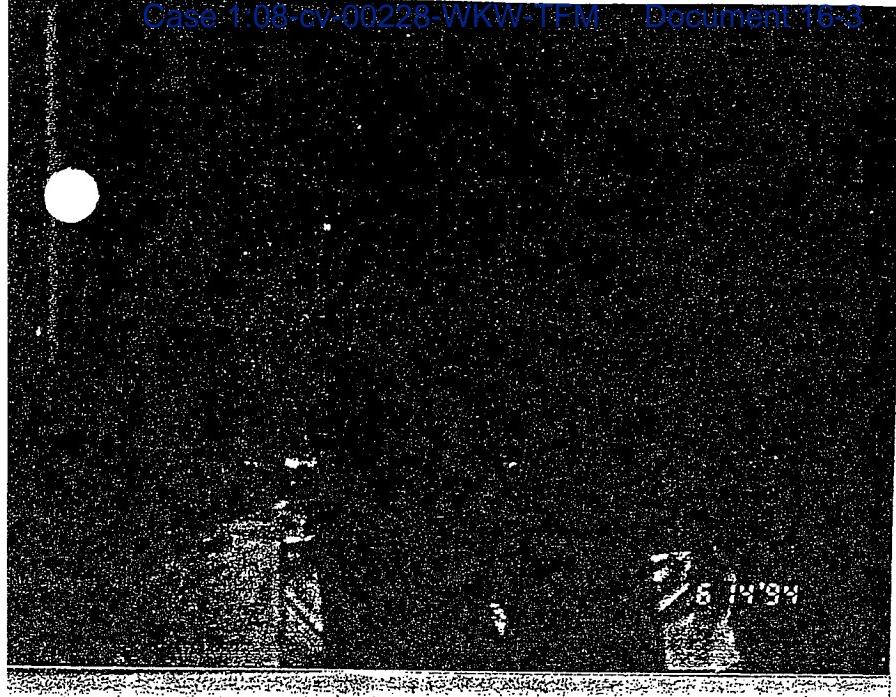
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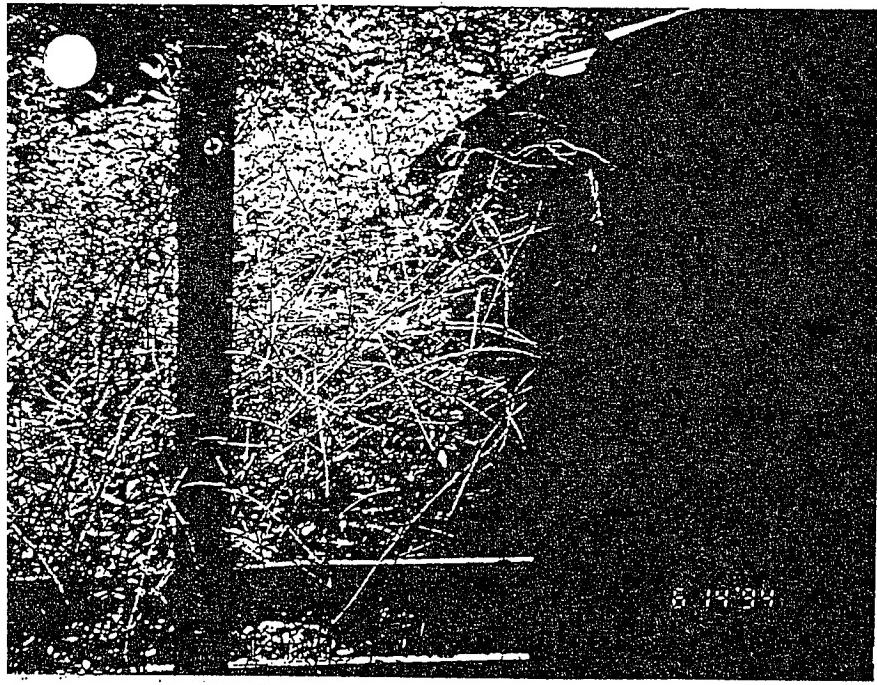
SX#3  
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State's Exhibit No. 4 (decks of cards) is of such size and bulk as to be impracticable to be included in this transcript, but will forward to Court of Criminal Appeals if requested to do so.



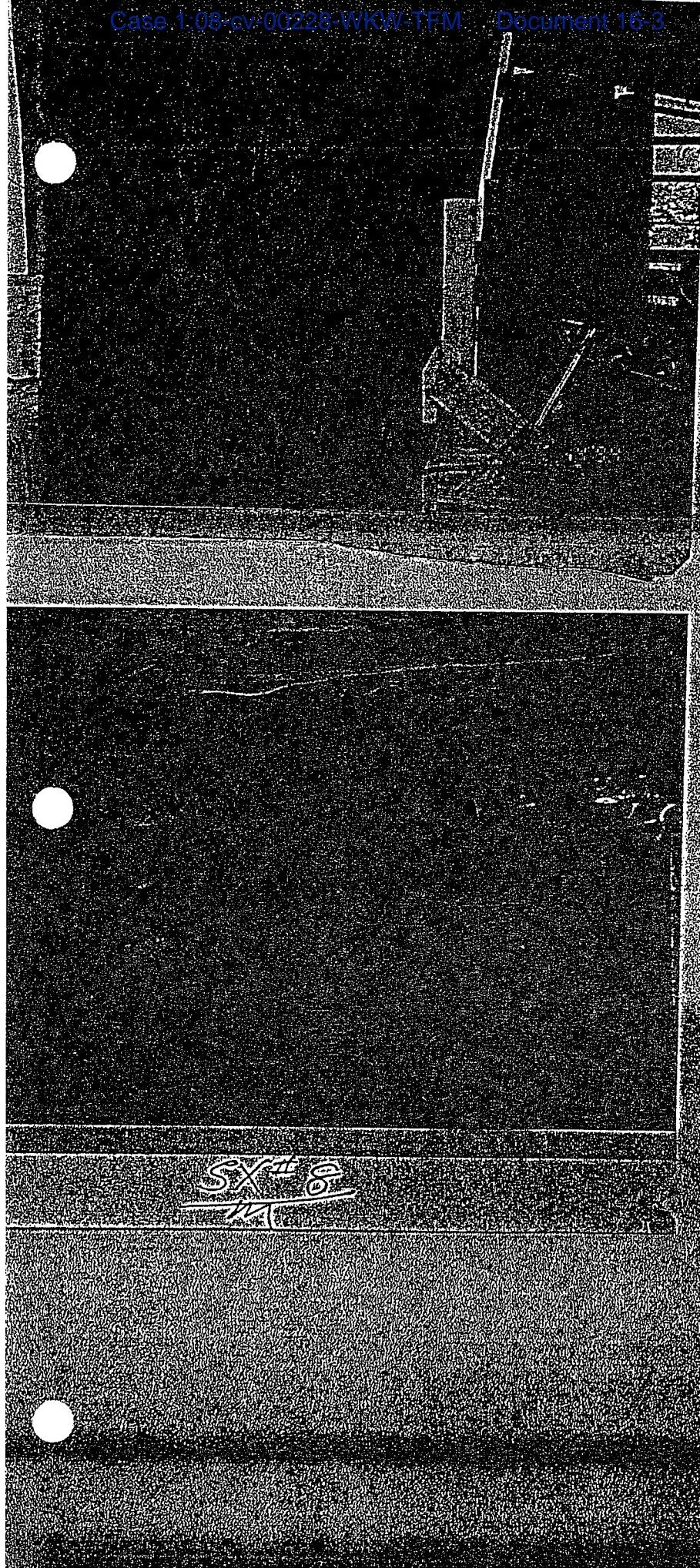
SX#5

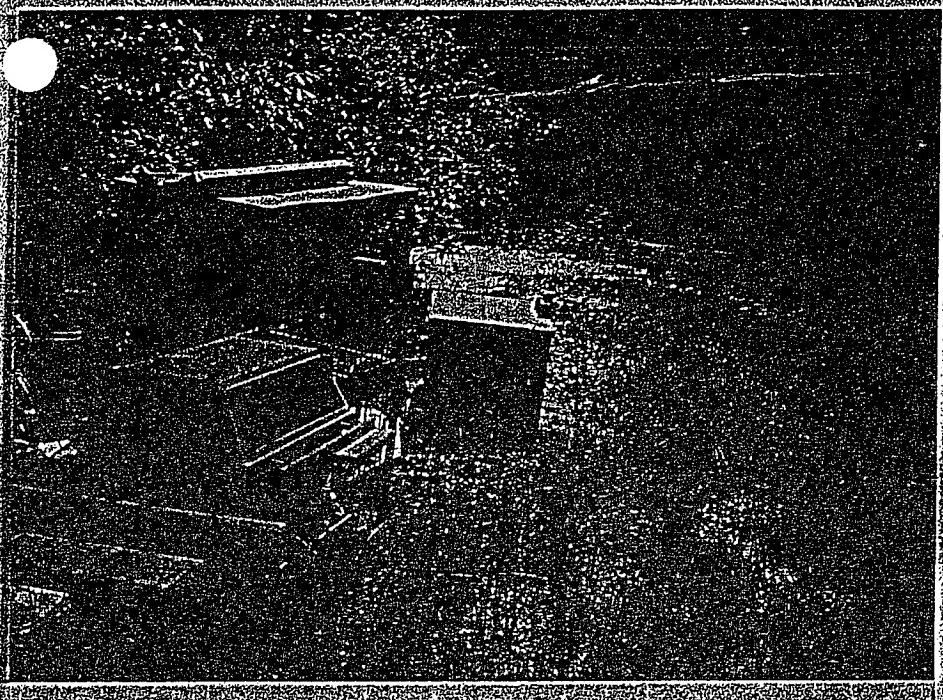
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SX#6

M





SX#9

M

State's Exhibit No. 10 (Shingles) is of such size and bulk as to be impracticable to be included in this transcript, but will forward to Court of Criminal Appeals if requested to do so.



SX#11

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\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

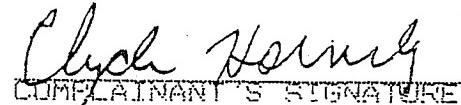
WARRANT NUMBER: WR 94 000267.00  
OTHER CASE NBR:

DC-94-366

## C-O-M P-L-A-I-N-T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLYDE WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B C MONEY SR WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT

ON OR ABOUT OCT - DEC 31, 1993, B. C. MONEY, SR., A MALE, DID ENGAGE IN SEXUAL INTERCOURSE WITH AMBER CELESTE MONEY, A FEMALE BY FORCEABLE COMPULSION at a branch located behind the residence of B. C. Money, Sr., Rt 1, Columbia, AL IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.



COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.



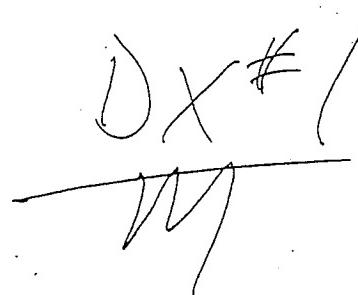
Justice Burdeshan  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESSES FOR THE STATE

HORNSBY CLYDE/C/O HENRY CO SO//ABBEVILLE/36310  
MONEY AMBER CELESTE/RT//COLUMBIA/36319  
FLAHERTY HEATHER/515 COLUMBIA RD//ABBEVILLE/36310  
AMOS TAMMY/RT 1 BOX 24/OLD RIVER ROAD/SHORTERVILLE/36373  
MONEY PATRICIA E/RT 1//COLUMBIA/36319  
FUSHING BETH/DHR1//ABBEVILLE/36310

OPERATOR: COB DATE: 06/08/94



DX#/  
WT

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000268.00  
OTHER CASE NBR:

DC-94-367

C O M P L A I N A N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLYDE WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B C MONEY SR WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINTANT

ON OR ABOUT OCT - DEC 1993, B. C. MONEY, SR., A MALE, DID ENGAGE IN SEXUAL INTERCOURSE WITH AMBER CELESTE MONEY, A FEMALE BY FORCEABLE COMPULSION, IN THE RESIDENCE OF B. C. MONEY, SR., RT 1, COLUMBIA, AL, IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Clyde Hornsby*  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

*Connie Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESS FOR THE STATE

HORNSBY CLYDE/C/O HENRY CO SO//ABBEVILLE/36310

OPERATOR: COB DATE: 06/08/94

DX#2

*M*

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000269.00  
OTHER CASE NBR: DC-94-368 "

C-O-M-P-L-A-I-N-T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B. C. MONEY SR. WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINTANT

ON OR ABOUT MAR 1994 - APR 1994, R. C. MONEY, SR., A MALE DID ENGAGE IN SEXUAL INTERCOURSE WITH AMBER CELESTE MONEY, A FEMALE, BY FORCEABLE COMPULSION AT THE FALLS LOCATED BEHIND THE RESIDENCE OF R. C. MONEY, SR., IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Cycle Honey*  
COMPLAINANT'S SIGNATURE

SWEORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

*Toni Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESS FOR THE STATE

OPERATOR: COB DATE: 06/08/94

*DX#3*  
*M*

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000270.00  
OTHER CASE NBR: DC-94-369

G-O-M-P-L-A-I-N-T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLYDE WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B C MONEY SR WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINTANT

DID ON OR ABOUT 06/06/94, B. C. MONEY, SR., SUBJECT AMBER CELEST MONEY TO SEXUAL CONTACT BY FORCEABLE COMPULSION OR HE/SHE BEING SIXTEEN YEARS OF AGE OR OLDER, DID SUBJECT TO SEXUAL CONTACT AMBER CELEST MONEY WHO IS LESS THAN TWELVE YEARS OF AGE, IN VIOLATION OF 13A-006-066 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Clyde Hornsby*  
COMPLAINANT'S SIGNATURE

SWEORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

*Connie Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: SEXUAL ABUSE 1ST DEG 13A-006-066 F

WITNESS FOR THE STATE

HORNSBY CLYDE/C/O HENRY CO SO//ABBEVILLE/36310  
MONEY AMBER CELESTE/RT //COLUMBIA/36319  
FLAHERTY HEATHER/515 COLUMBIA RD//ABBEVILLE/36310  
AMOS TAMMY/RT 1 BOX 24/OLD RIVER ROAD/SHORTERVILLE/36373  
MONEY PATRICIA E/RT 1//COLUMBIA/36319  
RUSHING BETH/DHR1//ABBEVILLE/36310

OPERATOR: COB DATE: 06/08/94

*DX#4*  
*M*

\* \* \* IN THE DISTRICT COURT OF HENRY COUNTY \* \* \*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000274.00  
OTHER CASE NBR: DC-94-370

C-O-M-P-L-A-I-N-T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED HORNSBY CLY WHO BEING DULY SWEORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT B. C. MONEY SR WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT

DID ON OR ABOUT SEP 1993 - DEC 1993, A MALE, ENGAGE IN SEXUAL INTERCOURSE WITH AMANDA HADDAN, A FEMALE, BY FORCEABLE COMPULSION, BEHIND A TOOL SHED ON THE PROPERTY OF B. C. MONEY, SR. IN VIOLATION OF 13A-006-061 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Clyde Hornsby*  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 09 DAY OF JUNE, 1994.

*Torrie Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RAPE 1ST DEGREE 13A-006-061 F

WITNESS FOR THE STATE

HORNSBY CLY //00000  
HORNSBY CLYDE/C/O HENRY CO SO//ABBEVILLE/36310  
MONEY AMBER CELESTE/RT//COLUMBIA/36319  
FLAHERTY HEATHER/515 COLUMBIA RD//ABBEVILLE/36310  
AMOS TAMMY/RT 1 BOX 24/OLD RIVER ROAD/SHORTERVILLE/36373  
MONEY PATRICIA E/RT 1//COLUMBIA/36319

OPERATOR: COB DATE: 06/09/94

*DX #5*

*M*

\*\* IN THE DISTRICT COURT OF HENRY COUNTY \*\*\*

AGENCY NUMBER:

WARRANT NUMBER: WR 94 000271.00  
OTHER CASE NBR: DC-94-371

## COMPLAINT

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HENRY COUNTY, ALABAMA, PERSONALLY APPEARED WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT R. C. MONEY MONEY WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT

ON OR ABOUT OCT - DEC 1993, R. C. MONEY, SR., DID SUBJECT AMBER MONEY TO SEXUAL CONTACT BY FORCIBLE COMPULSION OR HE/SHE BEING SIXTEEN YEARS OF AGE OR OLDER, DID SUBJECT TO SEXUAL CONTACT AMBER MONEY, WHO IS LESS THAN TWELVE YEARS OF AGE, IN VIOLATION OF 13A-006-066 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Clyde Yarnell*  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF JUNE, 1994.

*Dave Burdeshaw*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: SEXUAL ABUSE 1ST DEG 13A-006-066 F

WITNESS FOR THE STATE

OPERATOR: COB DATE: 06/08/94

*DX#6*

*M*

*BB*

AMANDA K. HADDAN #3509-7

Confidential information.

06-17-94: 7 3/4 yrs. 51 $\frac{1}{2}$  in. 70 lbs. BP 102/76 Rediscovery strictly prohibited.  
Please destroy copies after use.

Diagnosis: Alleged Sexual Abuse

Procedure: Initial Office Visit Exp. number Jus 1111/11/08 b6/b7c/mxw/vM R22 N.M.A.T.  
Amanda Haddan is a 7 3/4 year old white female who presents to my office this morning accompanied by her mother. The appointment was made by Beth Rushing, DHR worker for Henry County. I asked Amanda why she was here today and she would not talk to me initially. I then asked mom why she was here and mom stated that Amanda, she thought, had been sexually abused. I advised mother that I knew at least preliminary details from Ms. Rushing but that I needed to get Amanda to tell me in her own words what had happened. This took some time but Amanda did talk to me and tell me what had happened. Amanda tells me that about a month before the end of school she went home one afternoon with her friend, Amber Money. They stopped at Amber's grandmother and grandfather's house to get something to eat and something to drink. Amanda says that after they had something to eat and a coke to drink that Amber's grandfather, Mr. B.C. Money, Sr., took them outside to a shed that was in the back of the property. Amanda says that Mr. Money took some tar paper and put it out on the floor in the shed. He then pulled her pants down and her underpants. He then asked her to lie down on the black paper. She said this was paper like you put on a roof before you put a roof on it. Amanda said that he then got on top of her. She said that he put his hand on her private part before he got on top of her. Amanda then said that he tried to put his private parts inside of her. She told me that it hurt. She doesn't know how long he stayed on top of her. She states that her friend, Amber, was there in the shed watching. After Mr. Money got off the top of her, Amanda states that he told both her and Amber not to tell anyone about this. They all three then left the shed and Amanda and Amber went back to the house and then Amanda states that she and Amber went to Amber's home. I asked Amanda if anything like this had happened to her before and she stated that it had not and she stated that nothing had happened since then. Amanda's mother tells me that this episode became known when Amber told an older friend who is 13 about this episode and also related three episodes where Mr. Money had by history sexually molested her. The friend, Heather, then told her mother who reported this to DHR. Again, according to Ms. Haddan, DHR then had Mr. Money arrested and he is presently in jail awaiting arraignment this summer. Ms. Haddan tells me that she has understood that Mr. Money's daughter was sexually abused by Mr. Money, or at least she has admitted that at this point.

Past Medical History reveals that Amanda has been in good health. She has had no hospitalizations, no prior surgeries. She is allergic to no medicines. Immunizations are up-to-date.

Family History reveals that mother lives in Columbia. Mother is 46. There are two adults and four children in the family. They live in a mobile home. There is city water. There is a positive family history of heart disease. Mother, father, and grandparents are smokers.

Neonatal: The child was 7 lbs. at birth with no neonatal problems. Growth and development have been normal to date.

Physical Exam reveals a well nourished, well developed, somewhat frightened 7 3/4 year old. Vital signs - weight 70 pounds, height 51 $\frac{1}{2}$  inches, blood pressure 102/76, temp 97, pulse 82, respirations 22. The pharynx and TM's are clear. Pupils are reactive to light. Extraocular muscles are intact. Neck is supple. Chest is clear. Cardiovascular - Normal sinus rhythm, no murmurs. Breasts are stage 0. The abdomen is supple, no masses or megaly. External genitalia are prepubertal as well, stage 0. No pubic hair is present. I examined her genitalia in both the supine and knee/chest

(OVER)

position. My exam revealed no significant redness of the labia. There was no abrasion of the labia. The periurethral areas look normal. I did not see enlargement of the hymenal area. I think the hymen is intact. No perirectal redness. No perirectal abrasion. No fissures that are obvious. I did proceed today with a wet prep, with a gram stain for GC, and blood was drawn for VDRL and HIV.

Impression: Alleged sexual abuse.

Plan: I will file a copy of this with Beth Rushing, DHR, Henry County.

Some people do not believe in God, but I am not one of them. *[Signature]*

TED A. WILLIAMS, M.D., F.A.A.P.

TAW/kt hignight) will be the best value for money, allowing the system to be scaled up as required.

cc: "Ms." Beth Rushing, Henry County DHR in the subject matter.

The top section of the letter is written in a cursive hand, while the bottom section is in a more formal, printed-style font.

These terms are used to describe the various types of data structures used in computer science.

The elite had probably no more than 1000 slaves each, while the middle class had only 100 or 200.

be taken up by the *U.S. Fish Commission*, which has been engaged in the study of the fishery of the Gulf of Mexico.

The higher frequency of the first two types of mutations in the *lsp* gene suggests that the *lsp* gene may play a role in the regulation of the expression of the *lsp* gene.

the middle of the day, and the two hours and one half in the afternoon were spent in the study of the new species.

Last modified: 2023-01-10 10:00:00 (UTC)

the *Journal of the American Statistical Association*, 1908, Vol. 27, pp. 1-12.

Le cose di cui si parla sono già state menzionate più sopra, ma non si tratta di cose che riguardino soltanto la nostra società.

Rushabdesherde is a species.

...and have him do his duty, and I will give him all the help he needs.

1996-01-01 00:00:00 1996-01-01 00:00:00

Любимое блюдо, конечно же, супчик, называемый в Болгарии — супчик *Лапша* или *Лапчика*, очень вкусный и питательный.

**Creditors**.—**RECEIVERSHIP.**—A receiver may apply for an injunction against a creditor who is threatening to sue him for his debt.

(A.2771)

Procedure: Initial Office Visit Det.; CBC w/Diff; Wet Prep; Gram Stain. Please destroy copies after use.  
Amber is a 7 1/2 year old white female I am seeing for the first time today. She is here today, brought by her mother, at the recommendation of DHR for evaluation of possible sexual abuse. I asked Amber why she was here today and she said she was here today because her granddaddy tried to have sex with her. I asked her if she could describe the situations where this occurred. She stated that the first time it happened was before this past November. She states that he was lying in a hammock on the front porch at his house where she visited often. He asked her to come over to the hammock and he took his pants down. She said that he tried to put his private part in her private parts. I asked her if she felt any pain and she said that it didn't hurt. She asked him to not do it and apparently walked away. The second episode occurred a few months later. Amber tells me that she was down at the branch, which apparently is a creek that runs behind the grandparents' property. She said that he took down his pants and underpants and took down her pants and tried to put his private part into hers while they were both standing up. The third episode that she relates occurred while she was staying with the grandparents again. Apparently the grandmother had left and he took her into a small bedroom and again took his pants and underwear down and took her pants and underwear down. She says that he was sitting on the bed and had her come stand up next to him and again tried to put his private part into hers. She apparently did not tell anyone about this until the Tuesday which was election day when she related this information about this sexual contact to a 13 year old cousin. The 13 year old cousin then told mother who notified DHR and the following day the grandfather, Mr. Money, was arrested.

Past Medical History reveals that this child was born at Medical Center, 5 lbs. 13 oz. at birth. She has been in good health. She has no drug allergies and no immunizations. There have been no previous hospitalizations and no previous surgery. She has just completed the 1st grade at Columbia Elementary School. She is accompanied to the office by her mother.

Physical Exam reveals a well nourished, well developed, somewhat nervous seven year old whose weight and height are 75th and 90th percentile respectively. Vital signs are stable with a blood pressure of 108/56, pulse 84, respirations are 22. The pharynx and TM's are clear. The pupils are reactive to light. Extraocular muscles are intact. The neck is supple. The chest is clear. Cardiovascular - Normal sinus rhythm, no murmurs. She has no breast development. Breasts are stage 0. The abdomen is supple, no masses or megaly. External genitalia - Again, no secondary sexual development or pubic hair is present. I did examine her vaginal area both in the supine position and in the knee/chest position. In the knee/chest position the hymen appears intact to me. There is no redness, abrasion, or laceration of the labia. No change in the periurethral area. There is no perirectal tearing, no unusual perirectal redness. Neurologic is appropriate.

Impression: Alleged sexual abuse.

Plan: We'll proceed with a VDRL and HIV test as well and we'll do a gram stain and a wet prep per labial swab.

DX#8  
MS

TED A. WILLIAMS, M.D., F.A.A.P.

TAW/kt

cc: Ms. Beth Rushing, DHR, Abbeville, Alabama

Deft's Exhibit No. 9 (VCR Tape) is of such size and bulk as to be impracticable to be included in this transcript, but will forward to Court of Criminal Appeals if requested to do so.

164

CERTIFICATE OF COMPLETION AND TRANSMITTAL  
OF RECORD ON APPEAL BY TRIAL CLERK

B. C. MONEY

Appellant

V.

State of Alabama  
Appellee

TO: The Clerk of the Court of  
Criminal Appeals of Alabama

Case No. CC-94-065 thru CC-94-070

Date of Notice of Appeal 10/27/95

I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in (a single volume of \_\_\_\_\_ pages) ( \_\_\_\_\_ 3 \_\_\_\_\_ volumes of 200 pages each and one volume of \_\_\_\_\_ 145 \_\_\_\_\_ pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.

I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.

DATED this 23rd day of May , 19 96

Connie Burdeshaw

Circuit Clerk

Henry

County

State of Alabama  
Unified Judicial System  
Form ARAP-1C

8/91

APPENDIX X  
REPORTER'S TRANSCRIPT ORDER -- CRIMINAL

See Rules 10(c) and 11(b) of the  
Alabama Rules of Appellate Procedure (A.R. App.P.)

95 - 0268

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

CIRCUIT COURT  DISTRICT COURT  JUVENILE COURT OF Henry COUNTY  
B. C. Money, Appellant

V.  STATE OF ALABAMA  MUNICIPALITY OF \_\_\_\_\_

Case Number CC 94-065 thru CC 94-070	Date of Judgment/Sentence/Order October 6, 1995
Date of Notice of Appeal Oral: October 27, 1995 Written:	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975).

Signature \_\_\_\_\_ Date \_\_\_\_\_ Print or Type Name \_\_\_\_\_

## PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R.App.P.)):

## MARK PROCEEDINGS REQUESTED:

- A.  TRIAL PROCEEDINGS - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately.
- B.  ORGANIZATION OF THE JURY - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCrP.)
- C.  ARGUMENTS OF COUNSEL - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCrP.)

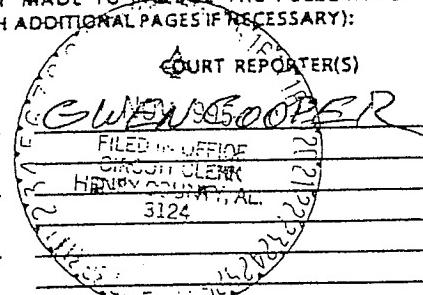
COURT REPORTER(S)  
Gwen Cooper WILLIAM R.  
P. O. Box 6406 MOEGLIN  
Dothan, Alabama 36302

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

## ADDITIONAL PROCEEDINGS REQUESTED

DATE

## COURT REPORTER(S)

D. SENTENCING HEARING

E. \_\_\_\_\_

F. \_\_\_\_\_

G. \_\_\_\_\_

IMPORTANT NOTICE: The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)

## PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR, (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

William C. Maddox

Signature

Date 11/9/95

William C. Maddox

Print or Type Name

DISTRIBUTION: Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript

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IN THE CIRCUIT COURT

OF HENRY COUNTY

ALABAMA

STATE OF ALABAMA

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VS

CASE NOS. CC94-065-070

B. C. MONEY, SR.

A P P E A R A N C E S:

FOR THE STATE:

HON. DOUGLAS A. VALESKA  
HON. BRAD E. MENDHEIM  
District Attorneys Office  
Dothan, Alabama

FOR THE DEFENDANT:

HON. RICHARD H. RAMSEY, IV  
Attorney At Law  
Dothan, Alabama

Beginning on October 2, 1995, at approximately 10:00 o'clock A. M., the above styled and numbered causes came up for trial on four counts of Rape, First Degree and two counts of Sexual Abuse, First Degree before the Honorable C. Lawson Little as Presiding Judge. After the Jury Venire had been qualified by the Court and Voir Dire by the

Attorneys of Record, the Trial Jury was struck and placed in the Jury Box and were sworn in by the Circuit Clerk. After that, the following proceedings were held in the Second Floor Court Room of the Henry County Courthouse, Abbeville, Alabama, to-wit:

THE COURT: Ladies and Gentlemen of the Jury Panel, you are the Jury for the case of the State of Alabama Vs. B. C. Money.

At this time, before I read the indictments to you and give you some general instructions, we are going to recess, actually, until 1:30 this afternoon.

There are some preliminary matters that the Court needs to take up before that time. So, we will actually start the case and the Opening Statements and the testimony at 1:30. Let me say this before you recess for lunch. Even though you have not heard any evidence in this case, I will instruct you, every time we take a break, as to this: Do not discuss this case among yourselves, even what you have heard on Voir Dire this morning, which was no evidence whatsoever. Do not

[REDACTED]

discuss this matter among yourselves. If you return home, do not discuss this case with your family members and do not let anyone discuss this case with you. Do not read any radio, do not read any newspapers; I don't think that it has been reported yet, but this will be an instruction to you in the future if we do recess tonight; do not listen to any radio, television accounts or read any type of newspapers in this particular matter. I will give you general instructions later at 1:30, but with that, we will be at recess until 1:30. We have the Jury Room in the back here and my bailiff will direct you to that if you return to that room, rather than the Court Room, and that is where you will be at 1:30. Thanks again for your service and patience in this matter and we will begin the case at 1:30. Thank you.

(Thereupon, the Trial Jury proceeded to their lunch with the above instructions

from the Court and the  
following proceedings were  
held out of the presence  
and hearing of the said  
Trial Jury, to-wit:)

THE COURT: I believe we have a Motion To  
Suppress, at this time. Are there any  
comments before we call any witnesses  
or anything?

MR. RAMSEY: No, sir.

THE COURT: Okay.

STATE'S EVIDENCE

Thereupon,

CLYDE HORNSBY

was called as a witness in behalf of the State of Alabama, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. VALESKA:

Q You have been sworn in?

A Yes, sir.

Q You are Clyde Hornsby of the Sheriff's Department?

A Yes, sir. I am.

Q You are the investigator assigned to work the case of the State of Alabama Vs. B. C. Money, Sr., Rape in the First Degree and Sexual Abuse in the First Degree?

A Yes, sir.

Q I am taking out two magazines as well as two decks of playing cards for a total of four exhibits in front of you. I have left the shingles in the

bottom of this white bag; roofing shingles. Do you recognize these four items? (Produces the items in question for examination.)

A (Witness studies the exhibits in question as requested.) Yes, sir. I do.

Q Tell Judge Little how these four items came in your possession?

A Amber Money described some books with nude photographs of men and women in them. And also some playing cards that were in Mr. Money's house. And, I interviewed her about the barn and she said her grandfather laid her and her little friend on some type of material that goes on a roof and stuck his penis in them in the hog barn.

Q Is this Amanda Celeste Money?

A Yes.

Q Okay. And, you are talking also about Amanda Hadden? Is that correct?

A Yes, sir.

Q Would you tell Judge Little the property in front of you, the four exhibits, the two magazines and the two decks of cards with pictures on them, were they found in Henry County?

A Yes, sir. They was.

Q Were they found, what close proximity to B. C. Money,

Sr.'s trailer in Henry County?

A The cards was found inside his bedroom in the top chest of drawers drawer. The two books were in the tool box out by the barn. The roofing material was in one of the stalls in the barn.

Q Tell Judge Little the two magazines that are up there, they are not marked, if I could, for the purpose of this hearing, ask that they be marked as State's Exhibit Number 1. There are four items and I will identify them for the Record, if I could, judge. State's Exhibit 1, we will get them marked in a minute and I will refer you to the two magazines that I want to ask you about, Mr. Hornsby, not the two decks of cards. State's Exhibit 1, the two magazines, where were they recovered, specifically?

A In the red tool box in the barn.

Q Okay. On whose property?

A Mr. Money.

Q B. C. Money, Sr.?

A I believe it is his property. Yes, sir. Or, it might be Patricia Money's.

Q What is Patricia's husband's name?

A B. C.

Q Okay. Would you tell the judge, the tool box,

how did you gain access to the tool box?

A I believe the lock was cut off. The key was in the jail with Mr. Money.

Q Did you have consent to open up the tool box?

A Yes, sir. On the property of Mr. B. C. Money, Jr.

Q Junior or Senior?

A Junior.

Q All right. You said B. C. Money, Jr., the Defendant's son, did he own this property or was he renting that property?

A As far as I know, he owns it.

Q You know the trailer that Amanda Celeste Money lived in in relationship to the box where the trailer was?

A You mean Mr. B. C. Money, Sr.'s trailer?

Q The trailer Amber was living in, did you ever go to that trailer?

A No, sir.

Q Okay. Is there a pond or small pond or body of water which the hog barn was around or where this property was?

A Yes, sir. A little fish pond.

Q Is there a dirt road that goes up to that area?

A Yes.

Q Do you know whose tool box it was?

A I assume - - -

MR. RAMSEY: We object to any assumption.

THE COURT: Okay. Sustain.

BY MR. VALESKA:

Q Who did you ask permission to open the tool box?

A I asked B. C., Jr.; Comer, Jr. He did not have a key to it.

Q How did you gain access?

A The lock was broken.

Q When you broke the lock, what did you find inside of the box?

A These two magazines.

Q That was in Henry County, Alabama?

A Yes, sir.

Q When you say the two magazines, did you show them to B. C. Money, Sr., the Defendant in this Court Room today?

A I believe I did. Yes, sir.

MR. RAMSEY: We object, unless he knows whether he did or not.

THE WITNESS: I can go back over the statement

and find out.

BY MR. VALESKA:

Q Go ahead and refresh your recollection and tell me the best you know.

A (Witness refers to his records.) Okay. After reading the statement, I recall that the magazine and the cards and the stuff was in my office and I showed them to him.

Q You showed them to the Defendant, B. C. Money, Sr.?

A Yes, sir. He said that he had these magazines to get some kind of article out of there and order some stuff in the back of them.

Q Tell Judge Little, did you have consent or did you get a verbal or written consent from Patricia Money that allowed you to open up the box?

A Written consent.

Q Do you have that?

A Yes, I do.

Q Go ahead and get that out.

A (Witness refers to records and produces same.)

Q Is that the consent?

A Yes.

Q Okay. Hand that to the Court Reporter and let

[redacted] him mark those.

(Thereupon, State's Exhibit Numbers 1 and 2 were marked for identification by the Court Reporter. After that, the following proceedings were had to-wit:)

BY MR. VALESKA:

Q Okay. State's Exhibit Number 2, is that the original waiver -- I have showed Mr. Ramsey -- marked for the purpose of the hearing on June 13, 1994, that you got from Patricia A. Money, Route 1, Box 35, Columbia, Alabama, on June 13, to search the barn located on that property?

A Yes, sir. It is.

Q Is that where the box was, the red box?

A Yes, sir.

Q Did you take pictures of it?

A I believe I did. Let me see on the case file.

(Refers to his records.)

Q All right.

A (Witness produces the photographs in question as requested.)

Q All right. Mark that as Number 3.

(Thereupon, State's Exhibit Number 3 was marked for identification by the Court Reporter. After that, the following proceedings were had, to-wit:)

BY MR. VALESKA:

Q I show you State's Exhibit Number 3, for identification purposes. Can you see that, Mr. Ramsey? What is Exhibit Number 3, tell Judge Little. (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) The tool box that the magazines were in.

Q Is that the property on B. C. Money, Sr.'s property?

A No. It is on Patricia A. Money's.

Q Did you force the lock, cut it?

A Yes, sir.

Q Did you find State's Exhibit Number 1, which are the two magazines that have been marked as one; were they found in there?

A Yes, they was.

Q And, State's Exhibit Number 1, which is also the two sets of cards, and I will refer to one, for identification purposes, what does it say on it?

A Lips.

Q The other cards that are red do not have any writing on the cards themselves, on the red side? Is that correct?

A No, sir.

Q They were found in the Defendant's residence?

A Yes, sir.

Q Did you have a search warrant for that?

A Yes, sir.

Q Who was that search warrant from?

A Judge Charles Woodham signed the search warrant.

Q Did you have information after talking to the victims where these cards were inside the Defendant's house in Henry County?

A Yes, I did.

Q And, then did you execute the search warrant?

A Yes, sir.

Q Did you find these?

A Yes, sir.

Q One, which is the two decks of cards and one says Lips and the other is red?

A Yes, sir.

Q And, after talking with the victims, once again in the white bag, are these some of the shingles that you found in the hog barn that you took pictures of, where they said the alleged rape of Amanda took place?

A Yes, sir.

Q And, State's Exhibit Number 2, the waiver form, consent, excuse me, is that the original or a copy?

A That is a copy there.

Q Where is the original?

A That would be the one in the case file.

Q We need to pull out the original. But, the copy, to the best of your knowledge, truly and accurately depicts the original?

A Yes.

Q When we find the original, we will submit it. Did the Defendant, B. C. Money, Sr., admit those were his magazines?

A Yes, sir. He did.

Q Do you know Tommy Money?

A No, sir. I don't know him.

MR. VALESKA: That is all. Pass the witness.

THE COURT: Okay.

MR. VALESKA: I offer the search warrant in evidence, too.

MR. RAMSEY: I would not have an objection, assuming that they come up with the original.

CROSS EXAMINATION

BY MR. RAMSEY:

Q Clyde, these items you obtained, is there anything illegal about any of those?

A No, sir.

Q Do they depict any type of child pornography?

A No, sir. They don't.

Q Any of the cards or the magazines?

A No, sir.

Q Is that the type of magazine that is commonly sold in convenience stores throughout Southeast Alabama and Henry County?

A I assume so. Yes, sir.

Q Nothing about the sale of those?

A No, sir.

Q Okay. Do you know who owns the property on which that red tool chest was located?

A I guess B. C. Money, Jr.

Q If I told you it was Tommy Lee Money, would you have any reason to disbelieve that?

MR. VALESKA: I will stipulate it is Tommy Money's. B. C. Money, Jr. was renting a trailer on his property at the end of the dirt road.

THE COURT: Okay.

BY MR. RAMSEY:

Q And, is Patricia Ann Money, do you know whether or not that is Tommy Lee Money's wife?

A There are two Patricia Moneys.

Q Patricia Ann Money is what I said. That is who you got the signed search warrant from, excuse me, the waiver?

A That would be the other Mr. Money's wife.

Q So, you don't know whether or not Patricia, whose wife Patricia Ann Money is?

A I was told the land belonged to Mr. B. C. Money, Jr.

Q If I told you that Patricia Ann Money was Tommy Lee Money's wife, would you have any reason to differ?

MR. VALESKA: I will stipulate that is true.

THE WITNESS: No, sir. Both of them have the same name and it is kind of confusing. I don't know which one you are talking about.

BY MR. RAMSEY:

Q There is only one Patricia Ann Money, that is what I am talking about.

A I can look at them and tell you which one is which.

Q Would you do that, please?

MR. VALESKA: Is that it - - -

BY MR. RAMSEY:

Q There is a Patricia Money who is the Defendant's wife. But, I am not talking about her. I am talking about Patricia Ann Money, and that is who you got to sign the consent, waiver? Is that

correct?

A I can look at them and tell you which one signed it?

Q Why did you get her to sign it?

A I assumed that her husband owned the land.

Q You assumed that?

A That is what I was told.

Q You assumed, but you didn't really know, did you?

A I didn't go check the deeds. No, sir.

Q In fact, it turned out that B. C. Money, Jr. didn't own that land? Isn't that correct?

A I am not sure.

Q Okay. But, you have no reason to differ if I told you that Tommy Lee Money owned the property?

MR. VALESKA: I stipulate. I have personal knowledge that Tommy Lee Money owns the property and B. C., Jr. was renting the trailer down the dirt road, past the pond, on Tommy Lee Money's property.

BY MR. RAMSEY:

Q Now, B. C. told you that he owned the magazines?

A Yes, sir. He said that.

Q That was in the statement?

A He was going to order some stuff out of them. Yes, sir.

Q Did you read him his Miranda Rights prior to that statement?

A Yes, I did.

Q Where was the cards found, specifically?

A In the bedroom of Mr. Money's residence.

Q Weren't they in a chest of drawers?

A Yes, sir.

Q They weren't laying out in the bedroom, were they?

A No, sir.

Q As a matter of fact, they were under some stuff in the drawer in the chest of drawers? Is that not correct?

A Yes, sir.

Q Under some socks or some type of apparel like that?

A Yes, sir.

Q So, they weren't anywhere in the open, were they?

A No, sir.

Q And, in fact, these magazines were locked in the tool box, were they not?

A Yes, sir.

Q And, you have already testified you had to break

[REDACTED]  
the lock to enter that tool box? Is that correct?

A Yes.

Q All right.

MR. RAMSEY: That is all I have.

THE COURT: Anything else?

MR. VALESKA: No more questions.

THE COURT: Let me see if I have this straight, now. Tommy Money owns the property? Is that correct?

THE WITNESS: Yes, sir.

THE COURT: And, B. C. Money, Jr., rents a portion of that property?

THE DEFENDANT: No, sir.

MR. RAMSEY: Not according to my client, Your Honor.

MR. VALESKA: That is the testimony you have, Judge.

THE COURT: That is the testimony I have heard so far. All right. The barn, so to speak that we are talking about where the tool box was found, was that a portion of the rented land or not, if you know?

THE WITNESS: From what I understand, it was.

MR. RAMSEY: We object to any understanding.

[Redacted]  
Either he knows or he doesn't.

THE COURT: Okay. Do you know?

THE WITNESS: No. I didn't go to the deed office and find out. No, sir. That is what I was told by the people.

THE COURT: Okay. Anything else?

MR. VALESKA: Not right now.

MR. RAMSEY: No, sir.

THE COURT: Okay. All right. You may step down.

(Witness excused.)

MR. VALESKA: Let's remark the cards.

(Thereupon, the two decks of cards were remarked as State's Exhibit Number 4 for identification purposes. After that, the following proceedings were had, to-wit:)

MR. VALESKA: I submit that there is no standing from the Defendant for objecting to the search. There has been no

testimony given that it was the Defendant's property in any manner or fashion. The evidence was that it was not his property.

B. C. Money, Jr.'s son was renting property at the end of the dirt road where his trailer was and this property is found next to some dog pens close to the hog pens where the alleged rapes or one of the rapes of one of the victims occurred. That is the information that Clyde got and that is why they went there. The victims will testify that this Defendant showed them the magazines and that property, Mr. Ramsey is correct, is Tommy Lee Money's property. Actually the ownership and the deed would show that, it is not B. C. Money, Sr.'s property. It stops at the bottom of the road down there and his son was renting part of the property, not particularly, as I understand, where these magazines were found in this red box. But, once again, he has no standing. It is not his property. And, these are where the

alleged crimes occurred and the victims will testify that they were shown these magazines by the Defendant, B. C. Money, Sr., as well. And, one or both will testify about the cards. Even without that, he has no standing to object. It was not his property.

THE COURT: Okay. Mr. Ramsey?

MR. RAMSEY: That is not the basis of the motion, Your Honor. The motion is quite simple. Deputy Hornsby testified there is nothing illegal about these cards, nothing illegal about these magazines. And, it depicts no child pornography. The whole point, the state wants to get these introduced to inflame the Jury. It is highly inflammatory and not relevant to the charges at hand as to whether B. C. Money committed Rape in the First Degree or Sexual Abuse in the First Degree on these two victims. It is highly inflammatory and designed to inflame the Jury and get this before the Jury that this man had this type of - - -

THE COURT: You are asking more for a Motion

In Limine than you are a Motion To Suppress. Is that what you are asking for, too?

MR. RAMSEY: Well, it goes along the lines of a Motion In Limine, Your Honor. The point is originally, I thought these, when I filed the Motion back in November, before Judge Crespi, I thought these were illegally obtained and I did not know there was a search warrant. I found out through discovery there was a search warrant. I have not filed another motion, but the gist of the argument is that the highly inflammatory nature of this evidence outweighs any probative value, what, if any, probative value that they might have.

THE COURT: As I understand the evidence, from what the District Attorney said, the girls described books in which these things were depicted. They may not have described them in detail or the name of the books - - -

MR. RAMSEY: What does that have to do, Your Honor, with whether or not the Defendant

[redacted] committed the crime that he is charged with.

MR. VALESKA: Judge, I can answer it real simply. These magazines were shown to these little girls and they show hard penises and vaginas and sexual acts and what this is is sexual arousal of these little girls to get them to commit these alleged-type acts. It goes to, it is relevant in this case, Rape in the First Degree and Sexual Abuse, they were shown that, the same as the cards. I disagree that those magazines are not bought across the counter in Henry County; Swank. You can buy Playboys and if you will look at those magazines, that is hard core sexual intercourse, sodomy, sexual abuse, touching in relationship to adults in those cases. They were shown to these little girls under twelve as a part of a continuing series of transactions in relationship to performing sexual acts upon them. It is definitely relevant.

MR. RAMSEY: If they could prove that they

were, indeed, shown by the Defendant,

then I might even withdraw my motion.

But, there has been no evidence of that

and I don't expect there will be any

evidence of - - -

MR. VALESKA: The girls will testify.

THE COURT: That is for the Jury to weigh  
the evidence and the inference to make.

MR. VALESKA: The little girls will identify  
the magazines and the cards shown to them.

It corroborates what they said as well  
as the movie we plan to offer for the  
Jury to view or watch, in relationship  
to Screwballs. This man is showing  
sexually explicit movies or acts to  
little girls, particularly his own,  
Amber Money, Celeste Money, in relationship  
to having sexual acts, the movie  
Screwballs. Mr. Ramsey is correct;  
Screwballs is not illegal. People of  
legal age showing that to children and  
also corroborates the sexual acts as,  
what they occurred, as well as the  
cards, the magazine Swank and the  
location, and the roofing materials all

in close proximity down to where Mr.

Hornsby called it a hog pen; it is a hog or goat pen in relationship to where the crimes occurred in Henry County.

THE COURT: Anything else?

MR. RAMSEY: No, sir. Just the argument that the inflammatory nature outweighs the probative value and it is not relevant.

THE COURT: That particular motion or motions will be denied. I believe the search warrant was entered in evidence; do you have any objections to the search warrant?

MR. RAMSEY: No, sir. We don't object to the search warrant.

THE COURT: All right. Let them be admitted, then.

(Thereupon, State's Exhibit Numbers 1 through 4 were received in evidence.

After that, the following proceedings were had,  
to-wit:)

THE COURT: We will be at recess until 1:30.

(Thereupon, a recess was called and taken by all parties. Upon completion of said recess, all parties returned to the presence and hearing of the Court Room and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Go ahead and mark those.

(Thereupon, State's Exhibit Numbers 5, 6, 7, 8, and 9 were marked for identification by the Court Reporter. After that, the following proceedings were held, to-wit:)

MR. VALESKA: Go ahead and mark that.

(Thereupon, State's Exhibit

Number 10 was marked for identification by the Court Reporter. After that, the following proceedings were had, to-wit:)

MR. RAMSEY: All right. There is one other matter.

MR. VALESKA: Hold the Jury.

THE COURT: Just a minute.

MR. RAMSEY: In regard to the order of October 31, 1994 of last year, there was an order in response to a motion I filed, Your Honor. The previous judge granted my motion insofar as in camera inspection of the Henry County Department of Human Resources File. Just for the Record, I don't know what that in camera inspection revealed. I don't know if it revealed any exculpatory information or not. But, I have not been privy to any results of that in camera inspection.

THE COURT: I don't know what you are talking about. Mr. Valeska, do you?

MR. RAMSEY: I have a copy of the order, Your Honor, right here, if I may? (Produces the order in question for examination.)

THE COURT: (Studies the order in question.)

MR. VALESKA: I show September 8, 1994.

MR. RAMSEY: This is the order of October 31, '94.

THE COURT: The Defense made that motion for the judge to examine the record in camera?

MR. RAMSEY: Yes, sir. And granted, insofar as that order is reflected.

THE COURT: Assuming if the judge found anything.

MR. RAMSEY: This is more for the Record than anything else. My point is I have not seen anything one way or the other.

THE COURT: I am assuming if he did, there will be an order reflecting any matter that might be favorable to the Defendant.

MR. VALESKA: I certainly have no problem, since the state seeks to send Mr. Money to the penitentiary for many, many years, if he is convicted, I think the best way is to make sure as the trial progresses for the file to be turned over to you

and that you have the opportunity to see them. Since Crespi is no longer on the Bench I want to make sure it was done and if it was not, to make sure that you have the opportunity and that way the Defense would know, for sure, if you had a chance to review the files yourself, as to any exculpatory material.

MR. RAMSEY: That is my point. I have no way of knowing if they have been examined or not.

THE COURT: I don't have the file.

MR. VALESKA: I understand that, Your Honor.

I think the Human Resources are here and I will make sure they provide it to you. I don't expect the trial to end today in any manner or fashion and we will go into tomorrow. Chief Deaton, will you make sure that the Department of Human Resources people do not leave with the Records, the file, if they don't have to go get them, so the entire file can be presented to the judge for review.

THE COURT: Well, I think I would have to look at them before trial.

MR. VALESKA: Judge, we are in a quandary, then. I have no problem with it then and we will have to recess. That is fine.

THE COURT: I want to know why this was brought up this late.

MR. RAMSEY: Well, Your Honor, I should have brought it up - - -

THE COURT: If this order - - -

MR. RAMSEY: In reviewing the file, I realized it had not been done during trial preparation.

THE COURT: I will look at the files in the next recess, whenever that will be. Are they out there?

MR. VALESKA: Yes, sir.

THE COURT: Bring the Jury.

(Whereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings were held in the presence and hearing of said Trial Jury, to-wit:)

THE COURT: Ladies and Gentlemen of the Jury, just for some preliminary instructions to you at this time, I will read the Indictments to you. There are six Indictments and basically four of the Indictments are worded the same and two Indictments of Sexual Abuse in the First Degree, the wording is the same, basically with the name of the victims that will change. I need to read those to you, at this time.

(Thereupon, the Court reads the Indictments to the Trial Jury. After that, the following proceedings were had, to-wit:)

THE COURT: Just to give you some general instructions at this time, of course, that is what the Indictments are. These Indictments are not to be considered by you as evidence of anything in this case. This is just the formal method by which this Defendant is brought to trial.

They are not evidence in this case. The Defendant is presumed to be innocent and the burden is on the State of Alabama to prove him guilty, beyond a reasonable doubt, on each Indictment. It is not up to him to prove his innocence. In fact, the presumption of innocence is evidence and you must take it with you and consider it until the State convinces you, beyond a reasonable doubt, that the Defendant is guilty in each Indictment here. The opinions, the statements, and opinions and so forth given to you by the attorneys are not to be considered by you as evidence. The only thing you consider as evidence in this case is what you hear from the Witness Stand and the things that I allow in evidence to be seen by you in the Jury Room. The progression of the trial in this case is that the attorneys will both give you Opening Statements in this case. The State of Alabama, since it has the burden of proof in this case, goes first and Mr. Valeska will tell you what he expects the

COURT OF CRIMINAL APPEALS NO. 95-0268

## APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF HENRY COUNTY, ALABAMA

CIRCUIT COURT NO. CC-94-065 thru CC-94-070

CIRCUIT JUDGE LAWSON LITTLEType of Conviction / Order Appealed From: Rape 1st on CC-94-065, 066, 067, & 069Sexual Abuse on CC-94-068 & 070Sentence Imposed: 99 yrs on CC-94-065; 99 yrs on 066; 99 yrs on 067; 99 yrs on 069;Defendant Indigent:  YES  NO 10 yrs on CC-94-068; 10 yrs on CC-94-070

B. C. MONEY

<u>William Christian Maddox</u>	<u>334 793-6493</u>	<b>NAME OF APPELLANT</b>
(Appellant's Attorney)	(Telephone No.)	
P. O. Box 738		
(Address)		
Dothan	AL	36302
(City)	(State)	(Zip Code)

V.

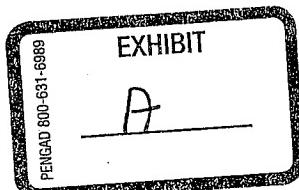
## STATE OF ALABAMA

(State represented by Attorney General)

**NAME OF APPELLEE**NOTE: If municipal appeal, indicate above, and enter  
name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

27199



evidence to show in this case. Mr. Ramsey, representing the Defendant in this case, will give his Opening Statement and tell you what he expects the evidence to be in the case. At that time, and since the burden is on the State of Alabama to prove the charges beyond a reasonable doubt, they have that burden, and that is why they go first and present their witnesses. When they conclude with the State's Witnesses, the State will rest and then the Defendant presents what testimony or evidence that he wants to at that time. However, let me say this; he is presumed innocent. He does not have to show you anything or prove anything to you or present any evidence. But, he may. If he does, than he would do that after the State rests. Then, the State has the opportunity to come back and rebut any testimony, if they so desire. And, if the State elects to present anymore testimony. At the end of that, then we will have Closing Arguments. At this time, the attorneys

will come up before you and tell you what they think the evidence has shown in this case and argue their case to you. At the conclusion of those arguments, the Court will charge you as to the law in the case. I have already read the Indictments to you and each of those Indictments contain elements of law. My job is to explain exactly what the law in the State of Alabama says as to the elements in the Indictments. Okay, Mr. Valeska.

MR. RAMSEY: I may have a witness in here.

MR. VALESKA: We need The Rule.

THE COURT: Okay. If there are any witnesses in the Court Room for the State of Alabama or B. C. Money, Sr. - - - okay.

Mr. Valeska.

MR. VALESKA: States the State's Opening Statement to the Jury.

THE COURT: Thank you, Mr. Valeska. Mr. Ramsey.

MR. RAMSEY: Thank you, Your Honor. May it please the Court. (States the Defendant's

Case to the Jury.)

THE COURT: Thank you, Mr. Ramsey. Call your first witness.

MR. VALESKA: Amanda Hadden.

STATE'S EVIDENCE

Thereupon,

AMANDA CATHERINE HADDEN

was called as a witness in behalf of the State of Alabama, and took the stand and testified as follows, to-wit:

MR. VALESKA: Judge, she hasn't been sworn.

I need to ask her some questions.

THE COURT: Okay.

MR. VALESKA: I want you to answer some questions for me. Okay?

THE COURT: She has been sworn?

MR. VALESKA: She has not.

THE COURT: Okay.

(Thereupon, the witness was sworn to testify to the truth, the whole truth, and nothing but the truth, and

the following proceedings  
were had, to-wit:)

DIRECT EXAMINATION

BY MR. VALESKA:

Q That microphone, that chair won't slide up. Sit on  
the front part and speak up and it will pick you up,  
so don't scream and blows my ears out, okay? Tell  
the Jury your name.

A Amanda Catherine Hadden.

Q How old are you, right now?

A Nine.

Q When is your birthday?

A August 10.

Q What year?

A '85.

Q What is your mama's name?

A Veneva.

Q Do you see Veneva in the Court Room?

A (Witness nods her head to the affirmative.)

Q Where is she? Point her out.

A (Witness indicating toward a lady.)

[REDACTED] MR. VALESKA: Let the Record reflect that she has pointed out her mother.

BY MR. VALESKA:

Q Now, can you tell me and the Ladies and Gentlemen of the Jury do you go to school now?

A (Witness nods her head to the affirmative.)

Q Where do you go to school?

A Columbia.

Q What grade are you in?

A Fourth.

Q Now, if I ask you, do you know about telling the truth or a lie or a story, do you know what I am talking about?

A Yes, sir.

Q Is it good to tell the truth or bad?

A It is good.

Q Have you ever told a lie or a story before?

A Yes, sir.

Q Did you get in trouble?

A Yes, sir.

Q Who did you get in trouble with?

A My mother.

Q All right. What happened to you for telling a

story or lie or fib?

A Got punished.

Q Now, can you tell the Ladies and Gentlemen of the Jury what your teacher's name is in school, now?

A Miss Aplin.

Q What grade were you in last year?

A Third.

Q Where did you go to school last year?

A Columbia.

Q What was your teacher's name?

A Miss Watson.

Q Did you promote up, graduate, move up from the class you were in to the next class this year?

A Yes, sir.

Q Now, could you tell the Ladies and Gentlemen of the Jury, you can write, can't you?

A Yes, sir.

Q You can read, too, can't you?

A Yes, sir.

Q Now, can you tell the Ladies and Gentlemen of the Jury where you live?

A I live in Haleburg.

Q Okay. What county is that in?

A Houston County.

Q Houston County?

A Henry County.

Q Okay. Henry County. What state do you live in?  
Do you know what state you live in?

A Alabama.

Q Now, can you tell the Ladies and Gentlemen of the  
Jury, the lady I am pointing to right here, do you  
know who that is?

A Yes, sir.

Q Who is the lady I am pointing to?

A Mrs. Pat.

Q Pat? What is her last name?

A Money.

Q Does she have a daughter or cousin or someone you  
know?

A Yes, sir.

Q What is her daughter's name?

A Amber.

Q Is Amber older or younger than you?

A Younger.

Q Okay. If I ask you some questions, can you  
promise to tell me the truth about what occurred?

A Yes, sir.

Q All right.

MR. VALESKA: I ask you to declare her to be

competent, at this time, judge.

THE COURT: Any objections?

MR. RAMSEY: No, sir.

THE COURT: Let the witness be qualified.

MR. VALESKA: Thank you.

BY MR. VALESKA:

Q When you were in school, last year, did you ever go home with Amber Money?

A I might have, but I can't remember real sure.

Q Okay. Could you tell the Ladies and Gentlemen of the Jury do you know what kind of house she was living in, if you went home to visit her?

A (No response.)

Q What did it look like where she lived before they moved? What did she live in, was it a house?

A It was a trailer.

Q Now, the trailer, to get to her trailer, you turn off of a road? Right?

A (Witness nods her head to the affirmative.)

Q When you turned off of that road, was that road dirt or was it paved?

A Dirt.

Q When you went down that dirt road, would you pass

anything on the right or left as you went up toward her house? What could you see?

A A house.

Q Okay. Who lived in that house?

A Mr. B. C.

Q And, was that a house or a trailer?

A Trailer.

Q After you turned and went past his house and went up the dirt road, would you come by any other building?

A Yes, sir. An old pen.

Q Now, by the old pen, was there anything by the old pen on the other side of the road that you could see?

A A pond.

Q And, where that pen and the pond was, did you keep on going straight and would you eventually come to the trailer that Amber Money was living in, at that time?

A Yes, sir.

Q Now, how did you get to Amber's house the time that you went to visit? Do you remember when something happened to you?

A How did I get there?

Q How did you get to her house that day?

A I got off the school bus with her.

Q Now, did you go to school that day?

A Yes, sir.

Q When you got off of the school bus, where did you and Amber go?

A We went to Mr. B. C.'s house.

Q Who was at Mr. B. C.'s house, if you remember, if anybody?

A Him and his wife.

Q Are you related, by blood, if you know, to B. C.? If you know? B. C. Money, Sr.? If you know?

A Yeah. I know them.

Q Are you related in the family by cousins or some way, if you know?

A Yes, sir.

Q What about Amber? Is she related to B. C. Money, Sr.?

A Yes.

Q How? Can you tell the Jury? If you know?

A It is her granddaddy.

Q Now, do you see Amber's mother in the Court Room?

A Yes.

Q Where is she?

A Right there. (Witness indicating toward a lady in the Court Room as requested.)

[ ] Q Okay. Do you know Amber's father's name? If you know?

A Yes, sir.

Q What is his name?

A Mr. Comer.

Q Okay. And, would you tell the Ladies and Gentlemen of the Jury, could you please tell them the time you went to visit with Amber and went to B. C. Money, Sr.'s trailer, did something happen to you that day?

A Yes, sir.

Q Was that in Henry County, Alabama?

A Yes, sir.

Q Now, could you tell the Jury, I will ask you if you remember going to visit; do you remember the exact day that was? What day of the week it was?

A No.

Q Can you tell me the days of the week?

A (Witness laughing.)

Q Tell me.

A Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday.

Q Saturday and Sunday, do you go to school those days?

A No, sir.

Q So, after school, you are sure it was a Monday,

Tuesday, Wednesday, Thursday, or Friday you went with Amber to B. C. Money, Sr.'s house and something happened to you?

A Yes, sir.

Q Positive?

A (No response.)

Q What grade were you in then?

A Second.

Q How old were you?

A Seven.

Q Now, could you tell the Ladies and Gentlemen of the Jury, do you remember the clothing you were wearing, the exact clothing, what you had on that day?

A No, sir.

Q Do you know if it was like it is kind of now, I guess it is kind of hot, or was it cold?

A It was hot.

Q Do you remember what month it was? In other words, do you know the exact month?

A No, sir.

Q Do you know what month you start school in, normally?

A Not exactly. But, I think it was in August when we started.

Q Okay. Then what is the next holiday after you start school, big holiday? Do you know?

A (No response.)

Q When you get out, you are out of school?

A No, sir.

Q Who comes in the red suit and brings gifts in December?

A Santa Clause.

Q Okay. What is the day you have turkey on? What do you call that?

A Thanksgiving.

Q Okay. Now, school started in August, you said, the best you could remember? Right?

A (Witness nods her head to the affirmative.)

Q Do you go to Columbia now, right?

A Yes, sir.

Q Do you go all year now or do you go all year like you used to, start in August or do you go all of the time, now?

A We are out three weeks, now.

Q Did you used to be out that way when something happened to you or did you go to school in August and go all the time until May and get out for the summer? Does that refresh your recollection?

A (Witness nods her head to the affirmative.)

Q Tell the Ladies and Gentlemen of the Jury, do you remember how you were supposed to get home that day, after you went to visit Amber? How were you going to get home?

A Amber's mother would come and get us and we would go to their house and her, Amber's mother, or my mother would come get me.

Q Let's go to that day when you got off of the bus and went to Amber's and B. C. Money, Sr.'s trailer, did you stay in the trailer the whole time and never leave?

A No.

Q Did you go in the trailer?

A Yes.

Q What did you do inside the trailer, if you remember?

A We got something to eat and drink.

Q Do you know, I know that it has been a long time, but do you remember what you got to drink?

A No, sir.

Q Do you remember what Amber was wearing, the clothes, the colors, things she had on?

A No, sir. But, I know she had shorts on.

Q What about what you were wearing in relationship, how would you describe your clothing? Do you remember? Not the color, but what kind of clothing

did you have on, if you remember?

A I had shorts on and a shirt-sleeve shirt.

Q Now, with your shorts on, did you have anything on underneath your shorts?

A Yes.

Q What did you have on?

A Underwear..

Q Is there a name for those?

A Yes, sir.

Q What do you call them?

A Panties.

Q Now, can you tell the Ladies and Gentlemen of the Jury, after you had something to eat and something to drink inside B. C. Money, Sr.'s trailer in Henry County, tell the Jury did you leave the trailer?

A Yes, sir.

Q Did you go home to your mama's house, then?

A No, sir.

Q Did you go up to Amanda's trailer and stay there with her mom?

A You mean Amber?

Q Amber. I am sorry.

A No, sir.

Q Did something happen in between before you left

[REDACTED] that night and after you left the trailer?

A Yes, sir.

Q Tell the Ladies and Gentlemen of the Jury, who left the trailer?

A Me, Amber and Mr. B. C.

Q How did you and Mr. B. C. and Amber leave the trailer when you went outside, where did you go?

A We went to that old pen.

Q Okay. The old pen thing? Describe that for the Jury. What did it look like, what was it made of?

A It was made of - - - I don't know what it is called, but - - -

Q Okay. What was it made of? What was the building made of? Was it all brick?

A No.

Q What was it made of?

A Some of it was a fence.

Q Okay.

A But, I don't know what the stuff was on the roof.

Q Had a roof on it?

A Yes.

Q Anything inside the building itself? Describe what it looked like inside, the best you can remember.

A It had old stuff in there like, it had an old

[REDACTED]  
door in there.

Q Okay. Any kind of animals or pets been in there, anything you could tell, anything to feed those animals?

A Yes, sir.

Q What kind, if you know?

A It looked like a pen feeder or something like that.

Q Can you tell the Ladies and Gentlemen of the Jury, did you go inside that building in Henry County?

A Yes, sir.

Q Who went inside with you?

A Amber and Mr. B. C.

Q From the house, the trailer, how did you get down there on that occasion? Did you walk?

A We were on the back of Mr. B. C.'s truck.

Q Now, did Mr. B. C. or his wife go down there with you?

A No, sir.

Q When you got down there, was there any other adults besides B. C. Money, Sr., and yourself and Amber?

A No, sir.

Q When you got inside the shed that you described, could anybody see exactly where you were standing

from the outside?

A No, sir.

Q Was there any bushes or trees around there?

A Yes, sir.

Q Was it low growth or high growth, the bushes? How tall were the bushes, vines, or weeds?

A They were high.

Q Now, any animals inside?

A No, sir.

Q When you got inside, which room did you go in? You described some pens, is what you said; first, second, third, fourth, which one did you go in, if you remember?

A (No response.)

Q First one, second one - - -

A First one.

Q Anything inside that room besides the walls and roof? What else was in there that you could see?

A There were shingles in there.

Q Shingles? Did you look inside or outside, if you remember, in that room?

A Yes.

Q What did you look in or out of?

A A window.

Q Okay. Was the window up or down?

A Down.

Q You said shingles, what color were the shingles, if you remember?

A Black and light brown.

Q Did someone have you do anything with those shingles?

A Yes, sir.

Q Who?

A Mr. B. C.

Q What did he tell you to do with them?

A To lay them down on the ground.

Q Who laid the shingles down on the ground? Tell the Jury.

A Me and Amber and him.

Q And, would you tell the Ladies and Gentlemen, this pen, this area, it is big and wide and as long as this Jury Box or is it shorter and smaller?

A (No response.)

Q Look at this Jury Box. Was it as big as this, the room that you were in?

A It might be as long as it, but it is a little wider.

Q Was there a door to go in or out?

A Yes.

Q An entrance way? Was there another door on the back side to get out of it or just one way to get in or

out?

A Just one way.

Q Now, would you tell the Ladies and Gentlemen of the Jury when you were inside and the shingles were put down, was somebody blocking the door? Was somebody standing in the door?

A Yes.

Q Who?

A Mr. B. C.

Q Mr. B. C. Money, Sr.? Is that correct?

A Yes, sir.

Q Not Comer Money, B. C. Money, not that man? Right?

A (No response.)

Q Would you tell the Ladies and Gentlemen of the Jury, you had your shorts on?

A Yes, sir.

Q Who was stronger, Mr. B. C. Money, Sr., physically, strength-wise; you or him?

A Him.

Q Who was taller?

A Him.

Q Who weighed more?

A Him.

Q Who was the oldest person in that room, in that shed, that little pen, you said; Amber, you, or

B. C. Money, Sr.:?

A Mr. B. C.

Q Related to you by blood? Correct?

A Yes.

Q Related also to Amber, her grandfather? Is that right?

A (Witness nods her head to the affirmative.)

Q Would you tell the Ladies and Gentlemen of the Jury, did he tell you to do something, Amanda?

A (No response.)

Q Take your time.

A Yes, sir.

Q Okay. How old were you then? Tell the Jury.

A Seven.

Q Was Amber older or younger?

A Younger.

Q Was she in the pen or the room there with you?

A Yes, sir.

Q Were you afraid, at that time?

A Yes, sir.

Q Who were you afraid of?

A Mr. B. C.

Q What did he -- - take your time. Tell the Jury what he told you to do or what did he do?

A First we put the shingles down.

Q Okay.

A And then, he told me to pull my pants down.

Q Did you take your pants down?

A Yes, sir.

Q Did you scream out or yell for help, then?

A No, sir.

Q Why not?

A I was afraid.

Q Who were you afraid of? Were you afraid of Amber?

A No, sir.

Q Who were you afraid of in that room in Henry County?

A Mr. B. C.

Q Now, would you tell the Ladies and Gentlemen of the Jury, I want to go back or, I will come back, okay? I want to you to take your time. Tell the Ladies and Gentlemen of the Jury when you left B. C. Money's trailer in Henry County, Haleburg?

Is that correct?

A Yes, sir.

Q Or is it Haleyburg?

A Haleburg.

Q Tell the Jury when you got off of the truck and Amber got out and B. C. Money got out, did he show you anything else before he got you into the room you were describing and he told you to take

your pants off?

A He showed some magazines.

Q How many magazines? Could you remember, could you tell the Jury?

A I don't remember.

Q If I hold up this, how many is this?

A One.

Q Was it more than one?

A Yes, sir.

Q And, did anybody hold it while you and Amber were there with B. C. Money?

A Yes, sir.

Q Who was the one that produced the magazines? Did you take them down there with you?

A No.

Q Did Amber take them down there with her?

A No, sir.

Q Where did the magazines come from? Tell the Jury.

A From the little box.

Q Okay. Was that box locked or unlocked, if you know?

A Locked.

Q Who had the key?

A Mr. B. C.

Q When that was unlocked and he took the magazines

out, were they of men and women or were they animals?

A Men and women.

Q Do you see men and women in the Jury Box? Don't you?

A Yes.

Q Were they pictures of men and women like are in the Jury Box?

A No.

Q What was different? Tell the Jury.

A They were showing their private parts.

Q Okay. Were the men and women in those pictures, were they completely dressed like I am or did they have some of their clothes on or off?

A They were off.

Q Their private parts? Would you tell the Jury, do you have any brothers?

A Yes, sir.

Q Older or younger?

A Older.

Q Okay. A lot older or just a little bit?

A Just a little bit.

Q Let's go back to when you were a tiny, little girl; did your mom ever bathe y'all together?

A Yes, sir.

Q All right. Was your brother's private part different from your private part?

A Yes, sir.

Q Now, tell the Ladies and Gentlemen of the Jury, these men and women that showed their private parts, were they touching or doing something that you could see in those pictures?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury, if I showed you some magazines, would you remember what those pictures looked like?

A Yes, sir.

Q Before I do that, can you tell our Jury - - - let's do this. Let me show you State's Exhibit Number 10. Watch out, there is a nail or a tack right up here. I am showing you State's Exhibit Number 10 and I want to show you State's Exhibit Number 5. I am showing you State's Exhibit Number 5, for identification purposes - - - well, we have to ask this question. Okay? Do you see State's Exhibit 5? Do you recognize that picture? (Produces the exhibits in question for examination.)

A (Witness studies the exhibits in question as requested.) Yes, sir.

Q I need to step away from you because you talk real

soft. Tell the Jury what that is a picture of, if anything, number 5?

A It is shingles.

Q Shingles where? Could you tell the Jury?

A On the ground.

Q On the ground in what type of building?

A A pen.

Q That pen or building, did Mr. B. C. Money do anything to you, two different things? Is that the same place?

A Yes, sir.

Q That picture shows you the shingles and I am showing you State's Exhibit Number 10 up here. I don't want to get it on you. Is that the type of shingle that you placed on the ground in State's Exhibit 5? Is that the exact color with the black and the brown as you said?

A Yes, sir.

Q Does this shingle appear to be marked or changed or different except it has writing on the back, SX and a slash and M, that is for Moe, the Court Reporter, in blue pen. Was that blue writing on there, if you remember?

A I don't remember.

Q Okay. But, on this side, is that the way it

looked? State's Exhibit Number 5, is that the way it looked prior to something happening to you?

A Yes, sir.

Q Doesn't appear to be changed in any way?

A No.

Q Before I offer it, I want to show you a couple of other pictures. Okay? I want to show you State's Exhibit Number 7 first. I am showing you State's Exhibit 7, do you recognize what 7 is? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q What is Number 7?

A It is inside the pen.

Q Is that what the building was made of, that you told me had a roof and was made of other things? Is that what it was made of?

A Yes.

Q Is that the way it looked on that occasion when B. C. Money and you were in there with Amber in Henry County?

A Yes, sir.

Q All right. And, once again, you can't tell us the exact date?

A No, sir.

Q But, you said it was hot? Is that right?

A Yes.

Q After school started in August? Right?

A Yes.

Q You know Christmas time in January and February, does it get cold then, compared to May or April or August or September? Is it colder then, usually, in January and February?

A Yes, sir.

Q Was it cold enough that you needed a jacket?

A No, sir.

Q Now, is this the way it looked, the best you can recall?

A Yes, sir.

Q Same conditions, correct? Except for that blue writing? Is that correct?

A Yes, sir.

Q Let's go to State's Exhibit Number 6, for identification purposes. I will show you State's Exhibit 6. What is Number 6 compared to State's Exhibit 7 and State's Exhibit 5? Can you tell us?

A It has weeds around the pen.

Q Is that the way the pen looked with the weeds?

A Yes, sir.

Q And the growth, what it was made of with the roof,  
as well as the wood?

A Yes, sir.

Q Same substantial condition, as best you can recall?

A (Witness nods her head to the affirmative.)

Q Correct?

A Yes, sir.

Q Let me ask you about the bushes. You didn't  
measure how tall the bushes were, did you?

A No.

Q Do you remember if they were green or brown, one  
hundred percent at that time, do you?

A No, sir.

Q Okay. Would this be from the inside or the  
outside, looking into the building or looking out  
of it on Number 6?

A Outside.

Q Now, let me show you State's Exhibit Number 3.

(Produces the exhibit in question for  
examination.)

A (Witness studies the exhibit in question as  
requested.)

Q Now, you told the Jury about a box that these  
magazines were in. State's Exhibit 3, does that  
look like the box, if you recall?

A Yes, sir.

Q Appear to be changed in any way, except there is a lock on it in that picture? Is that correct?

A Yes.

Q Does that look like where it was when it was unlocked by B. C. Money, Sr.?

A Yes, sir.

Q Okay. Let me ask you some questions. State's Exhibit Number 6 and State's Exhibit Number 7 and State's Exhibit Number 5 and Exhibit 10, my shingles, is that the same place the box was with the magazines or was that a different location?

A It was a different place.

Q Different place? Let's say on this occasion, you tell me this day, you came out of B. C. Money's house and you got on the back of the truck, you and Amber, and rode with him headed toward the shed? Is that right?

A Yes, sir.

Q Before you got to the shed, did you stop?

A (No response.)

Q Before you got to the shed, did y'all stop somewhere or did you walk somewhere else before you went to the shed?

A Yes, sir.

[REDACTED]

Q Okay. What did you walk to that was different from the shed? Was there another location?

A Yes, sir.

Q Describe what that looked like for me.

A It was where the dog pen was.

Q Okay. Looking at State's Exhibit Number 3 to the left up here, do you see some pens up there?

A Yes, sir.

Q Is that the place?

A Yes, sir.

Q Okay.

MR. VALESKA: I offer State's Exhibit Numbers 5, 7, 6, and 10 in evidence.

MR. RAMSEY: No objections.

THE COURT: Let them be admitted.

(Thereupon, State's Exhibit Numbers 5, 6, 7, and 10 were received in evidence.

After that, the following proceedings were had,  
to-wit:)

THE COURT: You may publish them to the Jury.

BY MR. VALESKA:

Q Now, let me ask you a few more questions, if I could? Okay? Let's go back to State's Exhibit Number -- did you ever see any cards, playing cards, with diamonds and hearts on them in any way?

A No, sir.

Q Okay. Now, could you tell the Ladies and Gentlemen of the Jury on State's Exhibit Number 3, which is also in evidence --

MR. VALESKA: State's Exhibit Number 3, I offer it in evidence.

THE COURT: Any objections?

MR. RAMSEY: I don't know what it is.

MR. VALESKA: The red box pictured.

MR. RAMSEY: No objections.

THE COURT: Let it be admitted.

(Thereupon, State's Exhibit Number 3 was admitted in evidence to the trial proper in addition to the Motion Hearing and the following proceedings were had,

to-wit:)

MR. VALESKA: Publish?

THE COURT: Yes.

MR. VALESKA: Thank you, Your Honor.

BY MR. VALESKA:

Q The box B. C. Money, Sr. had the key to unlock, I want to show you what has been marked for identification purposes as State's Exhibit Number 1, okay? It has two parts to it. Okay? I am showing you these and do you recognize these? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q Okay. How do you know, how do you recognize those? Can you tell me?

A Because we saw them.

Q Who showed them to you?

A Mr. B. C.

Q Can you see the pictures in front of you?

A Yes, sir.

Q Okay. Can you tell the Ladies and Gentlemen of the Jury, you told them the way I have got them

right now, you said there were pictures of men and women and do you see men and women in the pictures I am showing you?

A Only women.

Q So, there are other pictures inside? Would that be correct?

A Yes, sir.

Q (Opening the exhibit in question.) Is that men and women?

A Yes, sir.

MR. RAMSEY: We will stipulate there is men and women in those magazines.

MR. VALESKA: Judge, I think I have a right to show my victim, to show what they - - -

MR. RAMSEY: Fine. We will stipulate, but if Mr. Valeska wants to go through it, that is his prerogative.

THE COURT: All right.

BY MR. VALESKA:

Q That is men and women?

A Yes.

Q Those are the pictures in the magazine that B. C.

Money showed you?

A Yes.

Q They appear to be changed in any way, except they have got some writing on there, SX1-2/M, the Court's identification, and do they appear to be the same?

A Yes.

Q Okay.

MR. VALESKA: I offer State's Exhibit Number 1, which is two exhibits in evidence.

THE COURT: Any objections?

MR. RAMSEY: Yes, sir. We would renew our original objection.

THE COURT: Overruled.

MR. VALESKA: May I publish?

THE COURT: Yes, sir. Let them be admitted.

(Thereupon, State's Exhibit Number 1 was received in evidence to the trial proper in addition to the Motion Hearing. After that, the following proceedings were had, to-wit:)

MR. RAMSEY: For the Record, Your Honor, it was not an objection, we are objecting to the same grounds as previously.

THE COURT: That is what I understood and that is denied.

BY MR. VALESKA:

Q I want to go back and ask you a few more questions. I know that the Jury is looking, but they can listen, too. Okay? Tell me how old you are, right now?

A Nine.

Q Now, let's go to your inside, you identified the pictures of the shed where B. C. Money, Sr. told you to take your pants off. Did you take them off or did he take them off or do you remember?

A I did.

Q What about your panties?

A (No response.)

Q What did he tell you to do about your panties, if anything?

A Pull them down, too.

Q Were you afraid, at that time?

A Yes,

[REDACTED]

Q Is there any way that you could run out and get away at that point in time when you were in that room?

A No.

Q Who prevented you from leaving the room?

A Mr. B. C.

Q Now, was Amber also in the same room?

A Yes, sir.

Q Any way she could get out?

A No, sir.

Q Why didn't you go out the window?

A It was shut.

Q You were afraid?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury, could you hear any other cars, at that time?

A No, sir.

Q Could you hear any other adults or people, children, living human beings at all, at that time?

A No, sir.

Q At that point in time, what did B. C. Money, Sr., tell you to do when you pulled down your pants and underpants? What did he tell you to do next?

A To lay down.

Q What did you lay down on? Tell the Jury.

A Shingles.

Q Was that the same shingles like Exhibit 10 and the pictures?

A Yes, sir.

Q When you laid down, were you pants and underpants completely off the lower part of your body, from here down? Were they completely pulled down?

A No, sir.

Q Where were they?

A About to my knees.

Q Okay. From your knees up to your waist, like I am showing you, you had no clothing on in between? Is that correct?

A (Witness nods her head to the affirmative.)

Q When you laid down on the shingles, could you tell the Jury, this shingle right here, what part of your body laid on the shingle, first, when you laid down?

A My back.

Q On your back, does that also include your buttocks?

A Yes.

Q Was it soft or hard on your little skin?

A Hard.

Q Would you tell the Ladies and Gentlemen of the Jury when you were laying down, did somebody touch you

[REDACTED] on your private part, in your vagina?

A Yes, sir.

Q Who touched you, first?

A Mr. B. C.

Q Were you under twelve years of age, at that time?

A Yes, sir.

Q Were you afraid?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury when he first touched you first, what part of his body, the first time?

A His hand.

Q He put his hand on what part of your body?

A My private part.

Q All right.

MR. VALESKA: Judge, could she come down, with the Court's permission?

THE COURT: Sure. Go ahead.

BY MR. VALESKA:

Q Come on down here in front of the Jury.

A (Witness leaves the Witness Stand and goes before the Jury Box as requested.)

Q Stand right here. Okay. You are doing fine. Look at the Jury.

A (Witness does as requested.)

Q Okay. Now, I want you to look this way, turn around this way and I want you to point to the Ladies and Gentlemen of the Jury, your private part where he put his hand and show them.

A Here. (Witness indicating.)

Q Show them. Don't hold your hands together. Okay?

MR. RAMSEY: Your Honor, could the Record reflect I was not able to see? I assume I know, but - - -

THE COURT: Let her demonstrate again.

MR. VALESKA: Just stand right here, please, and show Mr. Ramsey.

THE WITNESS: (Demonstrating again.)

MR. RAMSEY: I don't mean to embarrass her.

I just - - -

MR. VALESKA: I don't think that, Mr. Ramsey. You have a right to see.

MR. RAMSEY: Okay.

BY MR. VALESKA:

Q Show Mr. Ramsey with your hand, where he touched you.

A (Witness indicating.)

MR. RAMSEY: Okay. That is fine. I saw it.

MR. VALESKA: Okay. Get back up there.

THE WITNESS: (Returns to the Witness Stand as requested.)

BY MR. VALESKA:

Q Would you tell the Ladies and Gentlemen of the Jury, when he touched you on your private part, is that your buttocks or your front?

A My front.

Q Okay. And, is there a name for that private part, have you come to learn what that is? Do you know, yes or no?

A No, sir.

Q Did he put his hand inside your private part when he touched you?

A (No response.)

Q On your private part?

A (No response.)

Q Yes or no?

A (No response.)

Q Take your time.

A (No response.)

Q Did he touch you on your stomach, up here?

A No.

Q Did he touch you on your knees down here?

A No, sir.

Q Did he touch you on your thighs, right here?

A No, sir.

Q Did he touch you back here at that time, on your buttocks?

A No.

Q What did he put his hand on, what part of your body?

A Private part.

Q And, was that down where your private part, an example, like when you sit on the toilet and go to the bathroom and your legs come apart, is that where your private part is?

A Yes, sir.

Q Is that where he put his hand?

A Yes, sir.

Q Were you afraid, at that time?

A Yes, sir.

Q Was Amber saying anything, would you tell the Jury?

A No, sir.

Q Did you know how old B. C. Money, Sr. was, at that time? If you know?

A No, sir.

Q Was he older than you?

A Yes, sir.

Q Were you or Amber either able to drive his truck?

A No, sir.

Q Would you tell the Ladies and Gentlemen of the Jury when he touched you then, were his pants on or off?

A On.

Q Did he do anything with his pants? Tell the Jury.

A Yes, sir.

Q In Henry County, in the shed we have pictures of, on that property, what did he do to his pants?  
Take your time, Amanda.

A He pulled them down.

Q When he pulled them down, could you determine whether he was wearing anything under his pants?

A Yes, sir.

Q What was that?

A Shorts.

Q Okay. Describe what those shorts looked like.

Can you?

A They looked like boxers.

Q Your brother, how old is your brother, now?

A Eleven.

Q Okay. Does he wear those kind of shorts or does he wear jockey-type? If you know?

A I don't know.

Q Okay. Is that the type he wears or do you know?

A (No response.)

Q You may not know. I am just asking.

A No, sir.

Q Okay. When Mr. Money, B. C. Money, Sr. took down his pants with the boxer shorts on, did he take those down and take anything out of those boxer shorts?

A Yes, sir.

Q Did he take them all the way down?

A No, sir.

Q To where?

A About his knees.

Q Could you see his private part?

A Yes, sir.

Q Was it different from yours?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury,

at that time, that point in time, you were lying down and he touched you with his hand and what did he do next?

A (No response.)

Q Take your time and tell this Jury what B. C. Money, Sr. did to you in that shed in Henry County, Alabama, next.

A He got on top of me.

Q When he got on top of you, did he move his body in any way?

A Yes, sir.

Q How did he move it? Just tell the Jury. Take your time.

A Up and down.

Q Tell the Ladies and Gentlemen of the Jury your private part, his private part, did he put it inside your private part?

A Yes, sir.

Q Did it hurt?

A Yes, sir.

Q Did you tell him to stop?

A No, sir.

Q Did he stop?

A No, sir.

Q Was he saying anything to you, at that time?

A No, sir.

Q Were you afraid?

A Yes, sir.

Q Could you see Amber, at that point in time, when he was on top of you?

A Yes, sir.

Q Was she close to you?

A Yes, sir.

Q All right. Was she crying, at that time, if you know?

A No, sir.

Q Was she saying anything?

A No, sir.

Q While this was occurring, how long did it last, if you know? Could you tell us?

A A short time.

Q Would you tell the Ladies and Gentlemen of the Jury did something cause him to get off you or jump up in any way?

A Yes, sir.

Q Tell the Jury what that was.

A Miss Pat was coming.

Q Who is Miss Pat?

A Amber's mother.

Q Show us Miss Pat.

A Right there. (Witness indicating.)

Q Do you know her voice?

A Yes, sir.

Q Could you hear her voice?

A No, sir.

Q Okay. When B. C. Money, Sr. jumped up, did he tell you and Amber anything then?

A (Witness nods her head to the affirmative.)

Q What did he say?

A He told us not to tell anybody.

Q And, did he pull his pants up and leave?

A Yes, sir.

Q What did you do to your pants or your underwear, please?

A I pulled them up.

Q Would you tell the Ladies and Gentlemen of the Jury where did you and Amber go next?

A We went to, with Miss Pat.

Q Are you sure you went with Miss Pat or did you ride on the back of the truck?

A The back of the truck.

Q Did Miss Pat ride with you?

A No, sir.

Q And, who drove the truck?

A Mr. B. C.

Q - Where did you drive to, if you remember?

A Back to his house.

Q Did you see Miss Pat again, then?

A Yes, sir.

Q Now, did you tell Miss Pat, when she got down there, what had happened to you?

A No, sir.

Q Why didn't you tell?

A Because I was afraid.

Q Who were you afraid of?

A Mr. B. C.

Q Now, would you tell the Ladies and Gentlemen of the Jury, if you recall, did you ever go back to visit and be alone with Amber and B. C. Money, Sr., again after that, if you remember?

A No, sir.

Q Now, can you tell the Jury, did you write down the date when this occurred to you?

A No, sir.

Q Do you remember the exact date?

A No, sir.

Q How old were you when this happened to you?

A Sir?

Q How old were you when this happened to you?

A Seven.

Q You are sure?

A Yes, sir.

Q You are sure these things happened to the Jury  
that you just told them?

A Yes, sir.

Q Didn't make them up?

A No, sir.

Q Now, tell the Jury -- - you finally told someone  
what happened to you, did you not?

A Yes, sir.

Q Someone asked you and who did you tell, if you  
remember, first?

A I told my mother and my aunt.

Q Now, would you -- - were you present or did you  
go with them when they went to talk to Amber's  
mother?

A (No response.)

Q If you remember? You may not, just tell us.

A No, sir.

Q Now, I want you to go, if you could, to June 17,  
1994. Do you remember that date?

A Yes, sir.

Q Did you write that date down anywhere?

A No, sir.

Q Tell the Jury why you remember June 17, 1994,

[redacted] that date, that month, that year?

A Because I had to go talk to Miss Beth or Mr. Clyde.

Q Did you go see somebody else, too, then?

A (No response.)

Q Did you ever go see a doctor?

A Yes, sir.

Q Okay. Did you see the doctor that day?

A Yes, sir.

Q Did you write that down on anything in anything like a diary or a little book?

A No.

Q Would you tell the Ladies and Gentlemen of the Jury, had you ever been to see a doctor before?

A (No response.)

Q From the date you were born until this date, had you ever visited a doctor for anything?

A Yes, sir.

Q Like a cold, shot, or something? Would that be fair to say?

A Yes, sir.

Q On June 17, 1994, did you go to see Dr. Ted Williams, a doctor in Dothan? Do you remember that?

A Yes, sir.

Q And, when Dr. Williams asked you what happened,

do you remember him asking you that?

A Yes, sir.

Q Were you able to tell him everything and talk about it real easy?

A No, sir.

Q Why?

A Because, it was long ago and I didn't remember everything.

Q Were you afraid or nervous?

A Yes, sir.

Q Had you ever talked to Dr. Ted Williams before, that you remember?

A No, sir.

Q When you saw Dr. Ted Williams on this occasion, did he give you an examination? Did he look at you, could you tell us, Amanda?

A Yes.

Q Did he have you lay down on a table?

A Yes, sir.

Q Did he have you raise your knees or legs up some, too?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury, they took your temperature? Or, did they, if you remember?

A I don't remember.

Q Did they measure your height and put you on some scales and weigh you that day? Do you remember doing that?

A Yes.

Q Do you remember seeing his nurses?

A Yes.

Q And, when he had you lay down and raise up your knees, would you tell this Jury, did he look at some particular part of your body then?

A Yes.

Q Did he put anything inside your private parts to examine you?

A Yes, sir.

Q Do you remember that?

A Yes, sir.

Q Did that hurt?

A Yes, sir.

Q He looked at your private part? Is that right?

A Yes, sir.

Q Now, would you tell the Ladies and Gentlemen of the Jury, please, I asked you about a man that touched you in your private part, by force, in Henry County and you were under twelve and about a man that took his private part and put it inside

your private part, your vagina, and you were under twelve, by force, in Henry County, those two things I asked you about, do you remember testifying?

A Yes.

Q I want you to tell these Ladies and Gentlemen of the Jury, did you see the man that did that to you with the sexual abuse and the rape, do you see him in the Court Room?

A Yes, sir.

Q Would you point that man out for the Jury?

A (Witness indicating toward the Defendant as requested.)

Q Which man over there?

A B. C.

MR. VALESKA: Let the Record reflect that she has pointed out the Defendant, B. C. Money, Sr., and referred to him as Mr. B. C. Pass the witness. Mr. Ramsey has some questions. Thank you.

THE COURT: You may Cross Examine.

CROSS EXAMINATION

BY MR. RAMSEY:

Q Amanda, my name is Mr. Ramsey and I am going to ask you a few questions. Is that okay?

A Okay.

Q I will try to be as brief as possible. How many times -- you call him Mr. B. C.? Is that right?

A Right.

Q How many times have you ever been to Mr. B. C.'s trailer?

A I don't know how many times.

Q Would it be more than once?

A Yes, sir.

Q Okay. More than five times?

A I don't know.

Q Okay. You just don't remember? Have you ever been there without Amber?

A No, sir. Not that I know of.

Q Every time you went to Mr. B. C.'s house, Amber was with you? Is that correct?

A Yes, sir.

Q Okay. How old are you, now?

A Nine.

[REDACTED]  
Q What is your birthday?

A August 10.

Q What year?

A '85.

Q '85?

A '86.

Q '86? Okay. That is right. You were born August 10 of '86, so you turned nine this past August?

A Yes.

Q You are in the fourth grade?

A Yes, sir.

Q And you go to school at Houston County?

A Yes, sir.

Q Are you and Amber good friends?

A Yes, sir.

Q You were good friends a couple of years ago, too, weren't you?

A Yes, sir.

Q Would you consider her your best friend?

A Yes, sir.

Q Okay. You still play and go places with Amber?

A Yes, sir.

Q Okay. How long have you been best friends with Amber?

A Oh, I don't know.

Q Quite a few years, since you were a little, bitty girl? Is that right?

A Yes, sir.

Q Where did you live back when this incident you told the Jury about happened?

A I lived in Haleburg.

Q Okay. Who did you live with?

A My mother.

Q Anybody else live there?

A Yes, sir.

Q Tell me who that was.

A My brother and my mother's boyfriend.

Q Okay. Didn't your mother's boyfriend have two sons, boys, that lived there, too?

A Yes, sir.

Q What is their name?

A Jimmy and Kevin.

Q How old was Kevin?

A He was fifteen, I believe.

Q Fifteen then, so he would be, if that was two years ago, he would be about seventeen, now?

A (Witness nods her head to the affirmative.)

Q How old was Jimmy, then?

A Twelve or thirteen. I think twelve.

[REDACTED]

Q      Twelve or thirteen, so he would be about fourteen, fifteen, now? Is that right?

A      Right.

Q      And, your brother lived there?

A      Right.

Q      What is his name?

A      Chuck.

Q      Okay. How old is Chuck?

A      He is eleven.

Q      Did you have your own bedroom where you lived there?

A      Yes, sir.

Q      Okay. Where did the two boys sleep? Where did they stay, excuse me?

A      Jimmy and my brother, they had a room together. And, Kevin had his own room.

Q      Okay. What did you live in, a house?

A      Trailer.

Q      A trailer? How many bedrooms did the trailer have?

A      Four.

Q      Four bedrooms? And, your mother lived in the other bedroom with her boyfriend? Is that correct?

A      (Witness nods her head to the affirmative.)

Q      How many times had you been to Mr. B. C.'s house before this incident you told us about happened?

A (No response.)

Q If you remember?

A I don't remember.

Q More than once?

A Yes, sir.

Q Okay. What did you do when you went there on previous occasions?

A Sometimes I would just go in the house with Amber and we would just sit there and watch T.V.

Q Okay. How long did you ever stay there? What was the longest you ever stayed there? Let me ask you that.

A Whenever I got off the school bus with her.

Q Okay. How long was it before you left, the longest you ever stayed there, how long would that be?

A I don't remember.

Q Okay. Weren't you just really waiting for a ride to get home when you went there?

A Yes, sir.

Q On this date, weren't you really waiting for a ride to get back home?

A Yes, sir.

Q Okay. Who usually came to pick you up and take you home?

A Miss Pat.

Q That is Amber Money, excuse me, Amber's mother?

A Yes, sir.

Q Okay. Now, would Amber ride with you when you would go home?

A Yes.

Q How many times has Miss Pat come and picked you up?

A I don't remember. I don't know how many times.

Q Okay. How far does Amber live from her granddaddy?

A Probably not even a mile away.

Q Could you see - - -

A No, sir.

Q - - - Amber's from Mr. B. C.'s or vice versa?

A (Witness shakes her head to the negative.)

Q You can't see to each house?

A (Witness shakes her head to the negative.)

Q How far do you live from Amber?

A (No response.)

Q Or, did you live at the time from Amber, is what I meant to ask.

A About three miles from her. Three or four miles.

Q Why would the school bus let you off at Mr. B. C.'s?

A Because my mother was at work and I didn't have nobody else to stay with.

Q Okay. So, that was instructions from your mother to get off there with Amber? Is that correct?

A Yes, sir.

Q Why wouldn't you get off at Amber's house?

A Well, because there was nobody there, either.

Q Nobody there either? Where was Amber's mother? Did she work?

A Yes, sir.

Q Okay. When she would pick you up, what time would it usually be that she would come get you? Do you recall?

A Well, she gets off -- - she got off at 3:30 and -- -

Q Would come directly from work to get you?

A Yes, sir.

Q All right. What time, if you know, did you usually get off the school bus?

A I don't know what time.

Q What time did you get out of school?

A 2:48.

Q Okay. Would it be fair to say somewhere around 3:00, somewhere thereabouts? And, it took you ten or fifteen minutes to get on the bus and leave? Wouldn't it take about that long?

A Yes.

Q Would it take you another ten, fifteen, twenty minutes to get off of the bus?

A Yes, sir.

Q Would it be fair to say that sometime around 3:30 is when you usually got off of the bus?

A Yes, sir.

Q How long would it take, if you know, Miss Pat to come from work to get you?

A I don't know.

Q You don't know? Would you have any reason to believe that would take more than fifteen, twenty minutes?

A It might, because she might want to stop by the store or something.

Q Okay. If she stopped by the store. But, if she didn't stop or do anything, would she normally get there fifteen, twenty minutes after she got off work at 3:30?

A Yes, sir.

Q Would that be a regular occasion?

A Yes, sir.

Q Would she ever come pick you up at 5:00 o'clock?

A No, sir.

Q Would she ever come pick you up at 4:30?

A No, sir.

Q What was the latest she ever got there to come pick you up?

A I don't know.

Q Okay. Now, where would she pick you up when she came to get you?

A At Mr. B. C.'s house.

Q Where would you usually be waiting?

A In the house or on the porch.

Q Somewhere around? How far from Mr. B. C.'s house is this pen that we are talking about?

A I don't really know.

Q Can you see it? As a matter of fact, you can see it from Mr. B. C.'s house, can't you?

A Yes, sir.

Q It is easily within sight, is it not?

A (Witness nods her head to the affirmative.)

Q You took the truck down there on this particular day to the pen? Is that correct?

A Yes, sir.

Q Now, didn't you stop and feed the dogs on the way?

A I don't know if we fed the dogs.

Q Didn't Mr. B. C. say:

Come on, I have got to go check on the dogs.

Didn't he say come on and didn't he actually go look at the dogs; whether or not he fed them? Do you recall that?

A I don't know.

Q You don't remember? Do you remember going by the dog pen? Do you know where that is?

A Yes, sir.

Q Do you remember going by there on the way to this other pen?

A Yes.

Q Okay. Do you remember seeing the dogs?

A Yes, sir.

Q As a matter of fact, there were some puppies there, weren't there?

A Yes, sir.

Q Do you remember getting out and looking at the puppies?

A No, sir.

Q You don't remember doing that? What, did you see the puppies from the truck?

A We had got out of the truck and we were beside the dog pen.

Q Right beside it? And, you didn't get in the pen with the dog, but you saw them?

A (Witness nods her head to the affirmative.)

Q You were about from me to you as to the puppies, real close?

A Yes, sir.

Q How long did you stay there at the dog pen, if you

recall?

A About five or ten minutes.

Q Five or ten minutes? Now, would it be fair to say that on this day you got off of the school bus at about 3:30, like you normally did?

A Yes.

Q Was there anything unusual on this day that made you get off of the school bus any later?

A No, sir.

Q Okay. Now, would Mr. B. C. be there when Miss Pat -- strike that. Let me ask you this. I think you already testified that your mother would sometimes come pick you up, is that right? Or maybe I didn't hear you say that, I don't recall.

A Well, well, Miss Pat is the one that really takes me home.

Q Okay. Would you ever get home any other way other than Miss Pat taking you home?

A No, sir. Not that I know of.

Q Okay. So, Miss Pat has taken you home a lot of times? Is that correct? Is that fair to say?

A Yes, sir.

Q Now, but, you are not sure how many times you have been to Mr. B. C.'s house? Is that right?

A Yes.

Q Would she ever pick you up, would Miss Pat ever pick you up anywhere other than Mr. B. C.'s house?

A No, sir.

Q Okay. If that is that case, you have been to Mr. B. C.'s house a lot of times?

A Yes.

Q Way more than five or ten? Right? I am just asking, because I don't really know.

A I don't know how many times.

Q Okay. I am not asking you the times, but you have been picked up a lot of times by Miss Pat at Mr. B. C.'s?

A Yes.

Q So then, I guess it is safe to say that you have been to Mr. B. C.'s a lot of times?

A Yes, sir.

Q So, you have been there quite a few times before whenever this happened?

A Yes.

Q Now, do you remember when you originally talked to Mr. Clyde, as you called him, Mr. Clyde Hornsby, the Deputy Sheriff here in Henry County, the Investigator; do you remember talking to him?

A Yes, sir.

Q Do you remember talking to him?

A Yes.

Q Do you remember telling him this incident took place sometime between September of '93 and December of '93? Do you remember ever telling him that?

A No, sir.

Q So, you don't know where that would have come from in the warrant, those dates, September of '93 and December of '93?

A No, sir.

Q Okay. And, you have already told us you don't remember when this was, do you?

A No, sir.

Q Do you know if it was before Christmas?

A Yes, sir.

Q Do you know whether it was before Thanksgiving?

A I don't know if it was before Thanksgiving or not.

Q Just don't remember? Now, after, as you said, you stayed at the dog pen for five or ten minutes and what did you do next?

A We went to the little pen-thingee, the little house.

Q The pen that we talked about that the Jury has seen the pictures and you testified that there is nothing in this pen? Is that right?

A No, sir.

Q Where were these shingles? Were they in the pen?

A Yes.

Q As a matter of fact, there was a stack of shingles sitting there, wasn't it?

A Yes, sir. About four, five of them.

Q Four or five stacks?

A No. Four or five shingles.

Q By shingles, now, are you talking about four or five of these, right here? (Produces the exhibit for examination.)

A (Witness looks at the exhibit in question as requested.) Yes, sir.

Q It was not a stack bigger than that, about this high out there? (Indicating.)

A It was not bigger than that.

Q Okay. What was the floor made of? Was it a dirt floor or - - -

A It was a dirt floor.

Q All right. Was there anything on the floor at all, besides dirt; any hay, grass, anything like that?

A No, sir.

Q Just strictly dirt?

A And there is some wood on the floor in the big part of it.

Q But, you were not in that part, right?

A Right.

Q The room that you described as being about the length of the Jury Box and a little wider, that had a separate entrance or was that the same entrance as the rest of the building?

A It was separate.

Q Separate entrance to that little room? Right?

A It is a door that you go in, but the door was not on it.

Q The door was not on it?

A The door, it was just an opening.

Q Where a door could be placed or had been placed previously? Right?

A (No response.)

Q Now, you said that there was a window in there? Right?

A Yes, sir.

Q How many windows?

A One or two. All I know, I saw one of them.

Q Do you recall whether or not they were open or closed?

A They were closed.

Q Had you ever been down to this pen before this day?

A No, sir.

Q Did you ever go to the dog pen before this day?

A Yes, sir.

Q Okay. How many times had you been down to the dog

pen before?

A I don't know.

Q Who had you been with?

A Amber.

Q Did Mr. B. C. ever go down there with you?

A Yes, sir. We went down there one time to feed the dogs.

Q One time before this?

A Yes, sir.

Q So, you have in the dog pen with Mr. B. C. before?

A Yes, sir.

Q Just one time? Is that right?

A (Witness nods her head to the affirmative.)

Q Was that one day after school?

A I don't know.

Q Did you ever go over there on the weekend when you weren't in school or in the summer?

A Yes, sir.

Q What did you do when you went over there?

A Played around. But, most of the time, we were at her house.

Q Okay. By her house, you mean Amber's house?

A Yes, sir.

Q We will get to that in a little while. What I am asking you about is did you ever go over to Mr.

B. C.'s house when you weren't getting off the school bus and waiting for Miss Pat to pick you up and take you home?

A Yes, sir.

Q Would you go over there on the weekends?

A Yes, sir.

Q Would you go over there, like I said, during the summer, when you weren't in school?

A I don't know.

Q You just don't remember?

A (No response.)

Q What would you do when you went over there?

A We played around in the yard or watched T.V.

Q Okay. You watched T.V. with Mr. B. C.?

A Yes. Miss Ruby was there, too.

Q That is Mr. B. C.'s wife?

A (Witness nods her head to the affirmative.)

Q Did you watch T.V. with them?

A Yes, sir.

Q Did you ever watch any rented movies, videos with them?

A No, sir.

Q You never watched any video movies?

A No, sir.

Q Okay. When was the first time that you ever saw

those magazines?

A When we, before we went to the little house, the little house-thingee.

Q You had never seen those magazines at Mr. B. C.'s house up in the closet before?

A No.

Q Where his grandson used to live?

A (No response.)

Q That was the first time that you saw them that day?

A Yes.

Q Now, wasn't that tool box unlocked that day?

A No, sir.

Q How do you remember it being unlocked?

A We were over there when we were at the pen. We were over there by the box and he had opened it with a key.

Q He opened it previously or opened it while you were standing there?

A He opened it when we were standing there.

Q Okay. And, he showed you the magazines himself?

A Yes, sir.

Q Did he hand them to you or just show them to you?

A He showed them to us.

Q Did he let you hold them?

A I don't remember.

Q Do you remember looking at the pictures?

A Yes, sir.

Q Did it scare you when he did that?

A Yes, sir.

Q Did you tell him that was scaring you, that you didn't want him to be doing that?

A No, sir.

Q Why not?

A Because I was scared of - - -

Q What were you scared of?

A Him.

Q What did you think he might do?

A I don't know.

Q Had Mr. B. C. ever done anything to you before this day?

A No, sir.

Q Had he ever hit you or scared you in any way?

A No, sir.

Q What happened when he showed you these magazines?

A We went to the little house.

Q How far is the tool box from the little, the shed, we will call it? Is that fair to say a shed, a barn; I think that is what everybody has been calling it. Is that what it is, a barn?

A I don't know.

Q Did you drive or just walk over there?

A We rode in the truck.

Q Did Mr. B. C. tell you to get in the car, we are going to the barn or how did that happen? How did that come about?

A He told us that we were going to go over there and we got in the back of the truck.

Q Did he tell you what you were going over there for?

A No, sir.

Q Now, how long did he show you these magazines?

A I don't know.

Q Okay. Did he show them to Amber, too?

A Yes, sir.

Q Do you recall if he let Amber hold them?

A I don't know.

Q Did he put them back in the tool box?

A Yes, sir.

Q You saw him do that?

A Yes, sir.

Q Did he say anything to you when he showed you these magazines?

A No, sir.

Q Didn't say anything at all?

A No, sir.

Q Just handed you the magazines or opened them up or

how did that come about?

A We just rode over there and he just opened them up and took them out.

Q Took them out and never said a word?

A No, sir.

Q But, he was showing them to you and there was no doubt in your mind that he was showing them to you?

A Yes.

Q Did he say hey, girls, look at this, or anything like that?

A No, sir.

Q Nothing like that? Now, how many shingles, like this, did you put on the ground when you got to the shed?

A I don't know.

Q You see this one right here, that Mr. Valeska showed you, was it more than just that one?

A Yes, sir.

Q Would it have been two or three or do you have any idea?

A Two or three.

Q Two or three. And, you put them on the ground and I think you said that Mr. B. C. and Amber helped you put them on the ground?

A Yes.

[redacted]

Q You put them on the ground because Mr. B. C. asked you to do it?

A Yes.

Q Did he tell you why he wanted you to put them on the ground?

A No, sir.

Q Did you wonder?

A Yes, sir.

Q Did you ask him?

A No, sir.

Q Why not?

A I don't know.

Q You just didn't?

A Yes, sir.

Q Did you lie down on those shingles?

A Yes, sir.

Q Because Mr. B. C. asked you to?

A Yes, sir.

Q What did he say to you?

A He told me to lay down.

Q On the shingles?

A Yes, sir.

Q Was Amber there?

A Yes, sir.

Q Did he tell Amber to do anything?

A No, sir.

Q Did he say anything at all to Amber?

A No, sir.

Q Where was Amber?

A She was right beside us.

Q Right there? She saw everything that was going on as far as putting the shingles and she heard her grandfather tell you - - - did he tell you to pull your pants down first?

A Yes, sir.

Q Okay. Then he told you to lay down on the shingles?

A Yes, sir.

Q Okay. Did you think he ought not be telling you to pull your pants down?

A Yes, sir.

Q Did you think he ought not to be telling you to lie down on the shingles?

A Yes.

Q Did you ever tell him no, I am not going to do that?

A No, sir.

Q And, that was because you were scared?

A Yes, sir.

Q Afraid of what he might do to you?

A (Witness nods her head to the affirmative.)

Q Did he hurt you? Did Mr. B. C. hurt you?

A No, sir.

Q Did he put his finger in your private part? I hate to ask these questions and I am not trying to embarrass you. We need to know and the Jury needs to know. I apologize for the nature of the questions, but did he put his finger in your private parts?

A Yes, sir.

Q All the way?

A No, sir.

Q Did he put his private part in your private part?

A Yes, sir.

Q All the way?

A No, sir.

Q This didn't hurt you?

A Yes, sir.

Q It did hurt you?

A Yes, sir.

Q Did you tell Mr. B. C. this was hurting you?

A No, sir.

Q Why not?

A I was afraid.

Q Okay. Did Amber scream or holler or try to run away or anything while this was going on?

A No, sir.

Q I know you don't know what Amber was thinking, but

she was not being restrained in any fashion, was she?

A No.

Q She wasn't tied up or held in any manner or fashion, was she?

A No.

Q And, she could have gotten out the door if she wanted to, couldn't she?

MR. VALESKA: I object to the mental conclusion, mental fright, hysteria, can't testify.

THE COURT: Okay. Okay.

BY MR. RAMSEY:

Q Was there anything to prevent Amber from running out that door? Anything that would have stopped her?

A Yes, sir.

Q What was that?

A Mr. B. C.

Q Okay. But, Mr. B. C. was on top of you during this time, wasn't he?

A Yes, sir.

Q Other than Mr. B. C. on top of you, was there anything to prevent her from walking or running out

the door?

A No, sir.

Q Okay. Did you hear Miss Pat pulling up the entrance way to the barn?

A No, sir.

Q Where was Miss Pat when you first saw her?

A She was walking up to - - - she was about right at the dog pen, walking up.

Q Okay. How far - - - as far as this Court Room goes, tell the Ladies and Gentlemen of the Jury how far she was when you first saw her?

A About to the end of the thing, right there. (Witness indicating.)

Q The bar, right here? (Indicating.)

A Yes, sir.

Q To the bar?

A Yes.

Q What, fifteen, maybe twenty feet?

A (No response.)

Q And, is that just right outside the building where you were in the barn?

A Yes, sir.

Q All right. Was Mr. B. C. still on top of you right before that?

A No, sir.

Q How long had Mr. B. C. gotten off of you before you saw Miss Pat?

A About to that bar.

Q How long had it been, if you recall? Was it a minute, two minutes, five minutes?

A I don't know.

Q You just don't know? Okay. Had you pulled your panties back up?

A Yes, sir.

Q And, you had your pants back on?

A Yes.

Q Did Mr. B. C. tell you to do that?

A No, sir.

Q What did he do when he got off of you?

A He put his pants up.

Q Okay. He made you lay down on the shingle, roofing material? Is that right?

A Yes, sir.

Q Did you have anything on your buttocks, anything covering your buttocks or the back of your legs?

A No, sir.

Q Did you have anything covering the back of your arms?

A No, sir. But, it hit about here.. (Witness indicating.)

Q Okay. You had a shirt on and it was a short sleeve shirt? Is that right?

A Right.

Q And, below the shirt-part, you didn't have anything on your arms?

A (Witness shakes her head to the negative.)

Q Did you have anything covering the back of your thigh?

A No, sir.

Q Your pants, I believe you testified, were pulled down to your knees as well as your panties? Right?

A Yes, sir.

Q It was nothing between the roofing material and your skin? Is that correct?

A (No response.)

Q And, Mr. B. C. got on top of you and, as you testified, went up and down? Is that correct?

A Yes, sir.

Q Did that roofing material cause any scrapes or abrasions or cuts on you?

A No, sir.

Q None at all?

A (Witness shakes her head to the negative.)

Q Did it cause any irritation at all?

A No, sir.

Q None at all? How long would you say you laid on it?

A I don't know.

Q Wasn't long, you said? Is that right?

A (No response.)

Q Now, we already know you didn't tell anybody about this happening on that date, did you?

A No, sir.

Q You didn't tell Miss Pat when you saw her right after? Is that correct?

A (No response.)

Q When did you tell somebody about this?

A When Amber had told her mother.

Q Okay. Okay. Word got out that Amber had already told her mother and your mother heard about it and then she come asked you about it?

A Well, we were at my aunt's, and they had asked me about it and I told them.

Q Who is they? Who asked you about it, is what I mean?

A My aunt, Sister-Lou.

Q I am sorry?

A Aunt Sister-Lou.

Q Your aunt, Sister-Lou?

A Yes.

Q What is her last name?

A I don't know.

Q Okay. Where did you tell them - - - where were you when you told them?

A In her bedroom.

Q Where did she live, at the time?

A I don't know.

Q You don't remember where it was that you told them?

A It was in her trailer.

Q Okay. Did she live around here?

A No, sir.

Q Okay. You don't know where aunt Sister-Lou lives?

A But, she lives in Alabama, though.

Q Okay. Somewhere in Alabama. Were you gone there - - - were you visiting her for a reason, just on a trip, or why were you there?

A Me and my mother was, me, my mother, and my brother, we were at the Pack and Sack and JD had came and told my mother about it.

Q Who did?

A JD.

Q JD? And, is that an initial J and D?

A Yes, sir. That is his name.

Q Who is JD?

A He is John's father.

Q Okay. Who is John?

A His son.

Q Okay. Did you know JD?

A Yes, sir.

Q Before this?

A Yes, sir.

Q Did your mother know JD?

A Yes, sir.

Q You were at the Pack and Sack with your mother?

A Yes.

Q What Pack and Sack was that?

A In Columbia.

Q In Columbia? And, JD comes up to your mother or to you or to the car? Were you sitting in the car?

A No. We were walking out of the store and JD told my mother that, to come, and he told her about it.

Q Your mother told you about that later?

A Well, when this lady told her about it, that is why we went to Aunt Sister-Lou's.

Q That is why you went to Aunt Sister-Lou's? Is that right? Because of what JD had just told your mother?

A Yes.

Q And, you left from the Pack and Sack in Columbia

to go to your Aunt Sister-Lou's?

A Yes, sir.

Q And, that is when you told Aunt Sister-Lou and your mother what happened on the day that you described?

A Yes.

Q Now, when was that that you told them? Do you recall?

A I don't remember. I don't want to bring up memories of that day.

Q Okay. Do you remember talking to Miss Beth Rushing that works for the Henry County Department of Human Resources?

A Yes, sir.

Q Did you talk with her on June of last year, '94? Do you remember that?

A Yes, sir.

Q Okay. Did you talk to her after you had already told Aunt Sister-Lou and your mother about this happening?

A Yes.

Q How long was it?

A I don't know.

Q Was it a matter of a few days, shortly thereafter?

A Yes, sir. I believe so.

Q Okay. And, you told Miss Beth that it happened just like you told us today? Is that right?

A Yes.

Q Did you ever tell anybody else?

A No, sir. I told, I told my mother and Aunt Sister-Lou. Then after I told them, Amber had came back, because she was with my cousin and we had went in my cousin's room and talked about it.

Q Okay. Did you and Amber see each other the next day at school?

A Yes, sir.

Q Did you get a ride to Mr. B. C.'s that day?

A No, sir. I don't know.

Q Okay. Did you ever go back to Mr. B. C.'s after that day and wait for your mother to come get you?

A I don't know.

Q You just don't remember ever going back there? You could have gone and you just don't remember?

A Well, I don't believe I did.

Q You don't believe you did? After that day, how did you start getting home?

A By bus.

Q By your bus?

A Yes, sir.

Q Okay. Is that because your mother was at home

then and would allow you to be dropped off there or what was the reason for that?

A I don't know.

Q But, now, your mother didn't know about this for some months after this happened, did she?

A No.

Q As a matter of fact, it was a few months before you told anybody about it, wasn't it?

A Yes.

Q You didn't tell anybody about it until June of '94, did you?

A Yes, sir.

Q Okay. By your own testimony, this happened some time before December, before Christmas of '93? Is that right? So, that is at least six months? Is that right?

A Yes.

Q How did you get home in that six months, is what I need to know?

A I don't know.

Q Okay. Did you -- - you already testified that you don't remember going back to Mr. B. C.'s?

A No, sir.

Q Do you know if Amber went back to Mr. B. C.'s?

A I don't know.

Q Okay. But, your mother was still working the next day after this happened, wasn't she?

A Yes, sir. I believe so.

Q She wouldn't let you be dropped off at home because no one was there? Is that right?

A Yes, sir.

Q Okay. So, like the next day, there was no one at home, was there?

A No, sir.

Q What about the next week? Would there have been anyone at home the next week?

A I don't know.

Q Okay. You just don't really remember how you got home after that?

A No.

Q Okay. Who is Heather Flaraty?

A No, sir. Unless it is Dave's daughter.

Q Okay. Do you know Tammy Amos?

A No, sir. Unless it is my aunt's daughter.

MR. RAMSEY: Your Honor, may I have a moment with my client?

THE COURT: Yeah.

(Thereupon, an off the

Record discussion was held between the Defendant and his Attorney of Record, the Honorable Richard H. Ramsey, IV. After that, the following proceedings were had, to-wit:)

BY MR. RAMSEY:

Q Did you and Amber ever talk about what happened on that day?

A Not until we went to our aunt's and they found out.

Q Okay. Did you know that what Mr. B. C. was doing to you was wrong?

A No, sir.

Q You didn't know that, at that time?

A No, sir.

Q Do you now know that what you are claiming he did to you was wrong?

A Yes, sir.

Q Okay. So, you had no reason to discuss this with Amber or it was just never brought up?

A It was never brought up.

Q Who is Jimmy Loggin?

A Jimmy Loggin, that is my mother's boyfriend, his son.

Q Have you ever told Amber that you had sex with Jimmy Loggin?

A No, sir.

Q Never told her that? You are sure?

A (No response.)

Q Jimmy Loggin ever messed with you?

A Yes, sir.

Q Have you ever told your mother about that?

A Yes, sir.

Q When did you tell her that?

A After they had, after they went back to the room.

Q He messed with you while you were living with him, didn't he?

A Yes, sir.

Q Did his brother ever mess with you?

A Yes, sir.

Q Kevin?

A Yes.

Q Did you tell your mother that?

A Yes, sir.

Q Did they mess with you before or after you claim Mr. B. C. did?

A I don't know.

Q Did you ever tell anybody that Kevin and Jimmy messed with you before you told anybody that Mr. B. C. messed with you?

A I don't know. I don't know if I told anybody, my mother, before or after.

Q You just don't recall?

A (No response.)

MR. RAMSEY: Thank you, Amanda. That is all I have.

REDIRECT EXAMINATION

BY MR. VALESKA:

Q Let me ask you, if I could; Mr. Ramsey asked you about some other people that messed with you. Do you remember him asking you that?

A Yes, sir.

Q Do you remember him asking you before you claim Mr. B. C. Money, Sr., messed with you; would you tell the Jury, did he mess with you or not, B. C. Money, Sr.?

A Yes, sir.

Q Now, would you tell the Ladies and Gentlemen of

the Jury, if you could, did you tell your mother what those other boys did to you?

A Yes, sir.

Q Would you tell this Jury those other individuals that messed with you, done things to you, were they as old as B. C. Money or were they under sixteen years of age?

A They were under sixteen.

MR. VALESKA: That is all.

MR. RAMSEY: Your Honor, I object to that on relevance, as far as what does it matter - - -

THE COURT: Asked and answered. Overruled.

MR. RAMSEY: All right, sir.

MR. VALESKA: That is all I have. Thank you, Amanda. Can she step down?

MR. RAMSEY: Wait a minute, if I may?

MR. VALESKA: Hold on. He has another question. Okay?

MR. RAMSEY: Nothing further.

THE COURT: Okay. Anything else?

MR. VALESKA: No, sir. She can step down. Thank you.

THE COURT: All right. You may be excused.

(Witness excused.)

THE COURT: Let's take about a ten minute break, at this time. Y'all may go get you a coke or something like that.

(Thereupon, the Trial Jury proceeded to their break with the above instructions from the Court and a recess was called and taken by all parties. Upon completion of said recess, all parties returned to the presence and hearing of the Court Room and the following proceedings were had, to-wit:)

THE COURT: Bring them in.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings

were held in the presence  
and hearing of said Trial  
Jury, to-wit:)

MR. VALESKA: I need this marked.

(Thereupon, State's Exhibit  
Number 11 was marked for  
identification by the  
Court Reporter. After that,  
the following proceedings  
were had, to-wit:)

THE COURT: Before we get started, I failed  
to ask you at the break, of course, it  
looks like this case will go 'til  
tomorrow and I will ask you at this time  
does anybody have any commitment, say  
after 4:30; need to pick somebody up,  
go to a ball game, got kids to pick up  
or anything?

A JUROR: 5:00 o'clock.

THE COURT: 5:00 o'clock? Anybody got, other  
than this lady here, got commitments at  
5:00?

A JUROR: (Raises her hand.)

THE COURT: What are you doing at 5:00 o'clock?

A JUROR: My daughter, nine months old.

THE COURT: Okay. We will quit before then.

So, we will anticipate going until

about, say 4:30, fifteen to 5:00 o'clock.

Call your next witness.

MR. VALESKA: Call Amber Money to the Witness Stand.

Thereupon,

AMBER CELEST MONEY

was called as a witness in behalf of the State of Alabama, and the following proceedings were had, to-wit:

MR. VALESKA: Have you been sworn please, ma'am, to tell the truth?

THE WITNESS: Yeah.

MR. VALESKA: Who swore you in?

THE WITNESS: (No response.)

MR. VALESKA: Did someone put you under oath, ask you to raise your right hand? They haven't, have they?

THE WITNESS: (No response.)

THE COURT: Let me swear her in.

(Thereupon, the above named witness was sworn in and the following proceedings were had, to-wit:)

DIRECT EXAMINATION

BY MR. VALESKA:

Q Tell the Jury your name.

A Amber Celest Money.

Q How old are you, now?

A Eight and a half.

Q Now, tell me how tall you are. Do you know?

A No, sir.

Q How much do you weigh?

A Fifty-five.

Q What grade are you in, now?

A Third.

Q Where do you go to school? Please tell the Jury.

A Columbia.

Q Who is your teacher?

A Miss Baker.

Q You saw when the judge asked you to raise your right hand and tell the truth, so help you God?

Correct? Judge Little asked you that? Correct?

A      Correct.

Q      Is it good to tell the truth or bad?

A      Good.

Q      Have you ever told a lie, story, fib, whatever you want to call it, before in your life time?

A      Yes, sir.

Q      Did you get in trouble?

A      Yes, sir.

Q      Is it good to tell lies?

A      No, sir.

Q      Now, tell the Ladies and Gentlemen of the Jury what your mother's name is?

A      Patricia Ellen Money.

Q      What is your father's name?

A      Brad Comer Money, Jr.

Q      And, would you tell the Ladies and Gentlemen of the Jury, do you have any other brothers and sisters?

A      I have four brothers, I mean four sisters and two brothers.

Q      Are they older or younger?

A      Older.

Q      Now, please tell the Ladies and Gentlemen of the Jury, if you could, do you know Amanda Hadden?

A      Yes, sir.

Q How do you know Amanda Hadden?

A She is my cousin.

Q Do you know her mother?

A Yes, sir.

Q Do you see her mother in the Court Room?

A Yes, sir.

Q Point her out. Point her out, for me.

A (Witness indicating as requested.)

MR. VALESKA: Let the Record reflect that she has pointed out Mrs. Hadden.

BY MR. VALESKA:

Q Do you see your mother in the Court Room?

A Yes, sir.

Q Point her out.

A (Witness indicating as requested.)

Q Now, would you tell the Ladies and Gentlemen of the Jury, B. C. Money, Sr., do you know that man?

A Yes, sir.

Q You know that man?

A He is my granddaddy.

Q Now, could you tell the Ladies and Gentlemen of the Jury, has he ever touched you with his hand on

your private parts before?

A Yes, sir.

Q Where did that occur, what part of your body?

A My vagina.

Q Would you tell the Ladies and Gentlemen of the Jury, was that inside your clothes or outside your clothes?

A Outside.

Q Would you tell the Ladies and Gentlemen of the Jury, where do you live, now?

A Henry County.

Q Okay. What state do you live in?

A Alabama.

Q And, do you read and write?

A Yes, sir.

MR. VALESKA: Judge, I ask that you declare her competent to testify in relationship to the facts of this case.

THE COURT: Okay. Any objections?

MR. RAMSEY: No.

THE COURT: Let her be qualified, then.

MR. VALESKA: Thank you, Your Honor.

BY MR. VALESKA:

Q Let me go back, if I could, to the time your grandfather, B. C. Money, Sr., ever touched you with his hand inside or outside your clothing, on your vagina, was that at a house or a trailer?

A Trailer.

Q How long has he lived in that trailer, if you know, approximately? How long, long time or short time?

A Long time.

Q Who lives in the trailer with him?

A My granny.

Q What is your granny's name?

A Ruby Mae.

Q Would you tell the Ladies and Gentlemen of the Jury, the first time your grandfather ever touched you, that you said with his hand on your vagina, inside or outside your clothes, was that in Henry County?

A (Witness nods her head to the affirmative.)

Q When was the first time that he touched you? Where were you, in the house, out in the woods, where?

A At the branch.

Q Tell the Ladies and Gentlemen of the Jury where B. C. Money lives as you come off of the paved

road by his trailer, okay? You come off the road, turn and go by his trailer and what kind of road comes off of the paved road or the highway, what is that road made of?

A Dirt.

Q As you turn off of the paved road, went up the dirt and kept going and kept going and kept going, would you come to some location where you lived, at that time?

A Our trailer would be there.

Q How long did you live in this trailer in Henry County, if you know?

A About two years.

Q And, whose land was that trailer on?

A My uncle's.

Q And, what is your uncle's name?

A Tom Lee Money.

Q Tell the Ladies and Gentlemen of the Jury, Tommy Lee Money, did he have any fixtures, houses, buildings, on his property behind B. C. Money, Sr.'s property?

A He had a hog barn back there.

Q A hog barn? Did it have a top on it?

A It had a top on it.

Q This hog barn, was anything on the other side of

the hog barn, past the dirt road on the other side?

A (No response.)

Q What was on the opposite side? You had the hog barn here, the dirt road, and what was on the other side?

A His dog pen.

Q Okay. Do you fish?

A I do, sometimes.

Q Okay. When you go fishing and you throw your line or hook into what?

A The water.

Q I will ask you do you know by that dirt road across from the hog barn, away from the dog pen, is there a pond there?

A Yes, sir.

Q Is that close to the dog pen or as you refer to it, the hog pen?

A The hog pen.

Q Now, as you were standing at the dog pen in Henry County, could you see B. C. Money, Sr.'s trailer? If you looked real hard, can you see part of it?

A No, sir.

Q Why couldn't you see it real well?

A There is woods right there.

Q If you stood out on the dirt road and looked down the dirt road, could you see, maybe part of the trailer or maybe where he parks his truck or car? Could you see that?

A Yes, sir.

Q If all of the leaves are down, it is winter time when the bushes have died down, could you then see the trailer from the dog pen?

A No, sir.

Q Not at all?

A Oh, yes.

Q Okay. Now, tell the Ladies and Gentlemen of the Jury, if you could, your friend, Amanda Hadden, did she ever come home with you from school one time when you went to your grandfather's, B. C. Money's house?

A Yes, sir.

Q I want to limit it to particularly something happening to Amanda that you saw. That is what I want to ask you about. Okay? Do you know about that time?

A Yes, sir.

Q Now, did Amanda ever come to visit you before that, Amber?

A At my granny's house.

Q Did she ever come after that, that you can remember?

A No.

Q Now, you know what day of the week it was when this happened?

A No.

Q Do you know what month it was?

A No, sir.

Q Now, you were in what grade, then?

A First.

Q First grade? Where?

A Columbia.

Q You are in what grade, now?

A Third.

Q Okay. You just started? Right?

A Right.

Q Back in what August, you started a new-type system where you go in the county and you will go to school and you are off for three weeks and then you will go to school again?

A Uh-huh. (Affirmative response.)

Q During this time, did you go from August to May and then get out for three months in the summer time?

A Yes, sir.

Q All right. Now, how old were you when this occurred?

When Amanda, something happened to Amanda, if anything?

A Seven.

Q How old are you, now?

A Eight and a half.

Q Now, would you tell the Ladies and Gentlemen of the Jury when y'all got off of the school bus, where did you and Amanda go that day?

A Went in the house, first.

Q What did you do in the house?

A We laid down our book bag.

Q What did you do next?

A Went outside.

Q Did you do anything inside before you went outside?

A No, sir.

Q Did you have anything to eat?

A Well, maybe a snack, cookies.

Q Anything to drink?

A Tea.

Q Now, when you went outside the trailer, did granny go with you or did she stay inside?

A She stayed inside.

Q When you went outside, who went with you?

A Amanda and granddaddy.

Q Granddaddy, that is B. C. Money, Sr.?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury, did y'all leave his back part of the trailer and go somewhere then?

A We went to the hog barn.

Q Straight to the hog barn?

A Yes, sir. No. We went to the dog pen.

Q How did you get to the dog pen?

A (No response.)

Q Did you walk?

A He rode the truck out there.

Q Where did you and Amanda ride?

A Rode on the back.

Q When you got to the dog pen, is that the same place as the hog pen or different?

A It is different.

Q When you got to the dog pen, would you tell the Ladies and Gentlemen of the Jury, did he show you and Amanda anything there?

A He had some nasty books.

Q How many books do you remember?

A Two.

Q And, those nasty books, what was in those books, if you know?

A Naked people.

Q All of their clothes on?

A They had them off.

Q Men, women, all men, all women? Do you remember?

A There was one book that had all women and the other one had both.

Q What were they doing?

A Some of them were showing their private parts.

Q Tell the Ladies and Gentlemen of the Jury did Amanda see that in your presence?

A The books?

Q Uh-huh. (Affirmative response.)

A Yes.

Q Who showed you those books?

A My granddaddy.

Q Where did he get the books from?

A I don't know.

Q Did anything ever fall on his head and cut his head while he was out there?

A No, sir.

Q Did you ever pull down your pants on this occasion, run around and show your private part to your granddaddy?

A No, sir.

Q Did you and Amanda ever run through the woods or branch on this occasion?

A When?

Q On this occasion.

A We went across it.

Q Was he following you?

A Yes, sir.

Q Now, would you tell the Ladies and Gentlemen of the Jury when you left the dog pen area, where did you go?

A To the hog barn.

Q Now, can you see inside the hog barn, completely, from the road?

A No, sir.

Q If you were inside the hog barn, can you see outside though, different parts? If you were inside, can you see any part around the shed, in or out?

A Well, you could see out, because there was a - - -

Q A what?

A There is an opening right there.

Q What was it made of?

A (No response.)

Q What was the hog barn made of? What is it built and made of, if you know?

A Boards.

Q Have a roof on it?

A Yes, sir.

Q Do you see any windows in the Court Room?

A Yes, sir.

Q Were there any windows in that building, the hog barn?

A Yes.

Q Same kind as those?

A No, sir.

Q What is different about the windows here versus there?

A They were small.

Q And, were they up or down?

A They were closed.

Q With the window raised up, could you go in and out or was it closed down or do you remember?

A It was raised up.

Q Are you sure? How many windows?

A I think there was one in that room.

Q Okay. Now, let's talk about that room. How would you get in or out of that room?

A There was a gate that opened right there.

Q Okay. Once you get inside that room, is there any way to get out but the window?

A (Witness shakes her head to the negative.)

Q You have to go back out the same way that you came in?

A Yes, sir.

Q Let's talk about looking at the hog barn, as you call it. How did you know that it was a hog barn?

A Because hogs used to stay in there.

Q Were there hogs there on this occasion, though?

A No, sir.

Q Anything for the hogs to eat out of on this occasion?

A No, sir.

Q Would you tell the Ladies and Gentlemen of the Jury when you were looking at the hog barn, when you went in, was it kind of like this Court House; all neat, the bushes all neat and trim?

A No, sir.

Q What was growing around the hog barn, if anything?

A Weeds.

Q Tall, small, real tall, bushy - - -

A Tall.

Q Now, tell the Ladies and Gentlemen of the Jury when you got into the hog barn, would you tell them did your grandfather, B. C. Money, Sr., have you or Amanda do anything about something that was inside the barn?

A Yes. He had us lay the shingles down.

Q When the shingles were laid down, did he talk or

say something to somebody else, anybody else?

A He told Amanda to lay down on the shingles.

Q Before he told her to lay down, did he tell her to do anything with her clothing?

A Yes, sir.

Q What did he tell her to do about her clothing?

A He didn't tell her nothing, but he pulled down her pants.

Q Now, when he pulled down her pants, what was under her pants, if anything?

A (No response.)

Q He pulled down her pants and what did she have on under there?

A Panties.

Q What did he do?

A He pulled them down, too.

Q All the way off?

A No.

Q Where.

A Down to her knees.

Q Now, did you run out, at that time?

A No, sir.

Q Why not? Why didn't you run out and scream and yell for help?

A I was afraid.

Q Who were you afraid of?

A Him.

Q Would you tell the Ladies and Gentlemen of the Jury, had he touched you before that, yourself?

A Yes, sir.

Q Touched you on your private parts?

A Yes, sir.

Q You were under twelve years of age?

A Yes, sir.

Q He used force to touch you?

A Yes, sir.

Q And, when he touched you on your private parts, is that inside or outside your clothes?

A Inside.

Q Now, going back - - -

A I mean outside.

Q Going before this, please tell the Jury, had you ever been down with him to the branch area?

A Yes, sir.

Q What happened to you down in the branch area of Henry County when you were under twelve years of age and he was at least sixteen years old or older?

A He tried to stick his penis in me.

Q Did he put his penis inside your private part?

A Half way.

Q Actually go inside, though, you are sure?

A Not really.

Q But, inside a little bit?

A Yes.

Q How old were you?

A I was, the first time I was six years old.

Q How many times did he do that to you down at the branch?

A About four.

Q Were you, once again, under eight years old every time?

A Yes, sir.

Q Was he at least older than sixteen?

A Yes.

Q How old was he, if you know?

A I think he was seventy-two.

Q Would you tell the Ladies and Gentlemen of the Jury on each one of those occasions, every time it happened in Henry County, down at the branch, behind the hog barn or the dog pen or his house?

A It was behind his house.

Q Now, did anything ever occur to you in the trailer, in his house?

A My - - - we were inside and my granny went to my aunt Dora's house and we went to the bedroom.

Q How many bedrooms are in the trailer?

A Three.

Q Tell me how you know about those bedrooms? Tell the Jury how you would describe them, who slept in what bedroom?

A You are talking about the ones that he and granny slept in?

Q Tell the Jury about the bedrooms, how you would describe them. That is one bedroom, right? Was there another bedroom other than the one that he and granny slept in?

A Yes.

Q What bedroom was that?

A The little room that has a little bed in it and had a table and it had a lamp.

Q Any other bedroom?

A The one beside their room that had a big bed in it.

Q Who slept in that bed?

A Nobody. A guest.

Q Did granny ever get hurt, something happen to her?

A Not by him.

Q Did she sleep in another room?

A One time she did, because she had an operation on her knee.

Q And, did she sleep in the same room you told the

Jury that he and she had slept in in the past?

A After her knee was better.

Q Before?

A Yes, sir.

Q Did she sleep in a different bedroom?

A She slept with him before hurting the knee.

Q When the knee was hurt, where did she sleep?

A In that little bedroom.

Q Now, tell the Jury did he ever do anything to you inside the bedroom in Henry County, in the trailer where he lived?

A He, he - - -

Q Yes or no.

A Yes, sir.

Q Which bedroom?

A The little bedroom.

Q Is that the one he and his wife slept in, your grandmother?

A No, sir.

Q What did he do to you in that bedroom; have you take your clothes off?

A He had me pull down my pants.

Q What about your panties?

A My panties, too.

Q Then what did he do to his clothing?

A He unzipped his pants and pulled his penis out.

Q And, did he put that penis inside your private part in that bedroom in Henry County, Alabama?

A Yes, sir.

Q You were under twelve years of age?

A Yes, sir.

Q Was he, in your opinion, at least seventy years old or at least older than sixteen?

A Yes, sir.

Q Did he force himself on you?

A Yes, sir.

Q Were you afraid of him?

A Yes, sir.

Q Would you tell the Jury why you were afraid of him? What caused you to be afraid of him?

A One time he whipped me and put a mark on my leg.

Q Tell the Jury why he whipped you?

A Because I wouldn't dance for him.

Q Then when he whipped you, when your mother came to get you, did you tell your mother or show her the marks?

A Yes, sir.

Q Now, was that whipping before any touching or felt of you like you told the Jury or any sexual intercourse by force that you told them about?

Did that come first?

A Yes, sir.

Q Now, tell the Ladies and Gentlemen of the Jury the first time that he put his private part inside your vagina, your private part in Henry County, was that at the branch, at the house, where was it?

A At the branch.

Q How many times at the branch?

A Four.

Q How many times at the house?

A One.

Q Now, tell the Ladies and Gentlemen of the Jury any of those times did you tell your mother or father what he did to you?

A No, sir.

Q Any time what occurred to you in his trailer in Henry County when you were under twelve, did you tell your mother and father what he did then?

A No.

Q Did you ever tell your mother and father that he had felt of you outside of your clothes, with his hand on your private part, rubbed you and did that when you were under twelve and he was over sixteen?

A No.

Q Tell the Jury why you didn't tell them?

A I was afraid of him. I was afraid that he would try to hurt me.

Q Now, would you tell the Ladies and Gentlemen of the Jury when you got into the hog barn, as you called it, was there a roof on it?

A Yes, sir.

Q When Amber was inside, you were inside with Amanda, how did Amanda react, that you could see, when he told her to take her pants down? Was she afraid?

A I don't know.

Q Did she cry?

A No, sir.

Q Did she try to run?

A No, sir.

Q Who was taller, you and Amanda or B. C. Money, Sr.?

A B. C. Money, Sr.

Q Who was stronger, physically, strength-wise?

A B. C. Money, Sr.

Q Who weighed more in pounds versus body size, who was taller, weighed more, was heavier?

A B. C. Money, Sr.

Q Whose grandfather was it?

A Mine.

Q Was he related, also to Amanda?

A Yes, sir.

Q Now, when Amanda had her pants off and her panties, what did B. C. Money do then?

A Tried to stick his penis in her.

Q Before he did that, did he try to touch her?

A He tried to touch her vagina.

Q Did he touch her?

A Yes.

Q What did he touch her vagina with before he tried to put his private part, what part of his body?

A His hand.

Q Was she laying on anything there?

A Laying on the shingles.

Q Do you remember what color the shingles were?

A Black. Blackish-brown.

Q Would you tell the Ladies and Gentlemen of the Jury, do you know how old she was?

A She was eight.

Q How old were you?

A I was six. No. She was seven and I was six.

Q Would you tell the Ladies and Gentlemen of the Jury then, did he get on top of her?

A Yes.

Q When he got on top, could you describe what you observed, what you saw him do when he was on top

of her? What was he doing?

A He was moving around.

Q Did she say anything, in any way?

A No, sir.

Q Why didn't you run out through the door, then? What prevented you from running out?

A I didn't want to.

Q Were you afraid?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury, did you come to hear, see or know someone was coming at that point in time, shortly after that?

A Yes, sir.

Q Before that, could you hear anybody?

A No.

Q Could you hear any cars or any trucks?

A No.

Q Did you hear any voices?

A No, sir.

Q Did you hear granny calling or looking for you?

A No, sir.

Q Could you hear any of your family that was looking for you, right when you first got in there and he did those things when you first got in there and she took her clothes off and he did that; did you

hear anybody right away?

A No, sir.

Q Now, can you tell the Ladies and Gentlemen of the Jury inside that hog barn, as you described it, can you see B. C. Money, Sr.'s trailer once you are inside?

A No, sir.

Q When you are inside the trailer, if you are out there on the dirt road looking at the hog barn - - -

A Uh-huh. (Affirmative response.)

Q - - - with the ponds behind you, looking straight through, can you see what is occurring inside that room from the outside?

A No, sir.

Q From where your trailer was, would you tell the Ladies and Gentlemen of the Jury if you had come out of the hog barn, taken an immediate right and gone down the dirt road to the top of the hill and take a left and go back in that direction, is that where your trailer was?

A Yes, sir.

Q What is in between the dirt road, the hog barn and where your trailer is? What all is out there, what was it made up of, what was growing out of the ground?

A Weeds.

Q Okay. Trees? Woods?

A Yes.

Q Now, at the very top of the hill, where your trailer was, what does the top of the hill look like up by your trailer?

A Grass.

Q Was that being plowed or grown, things grown up at that time such as peanuts or cotton?

A No, sir.

Q Was it a field?

A No.

Q It wasn't wooded, was it?

A No, sir.

Q Now, who came and approached the hog barn when B. C. Money was on top of Amanda?

A My mother.

Q What did B. C. Money tell you or Amanda when you could hear your mother and knew someone was coming? What did he say?

A He told us not to tell anybody.

Q Would you tell the Ladies and Gentlemen of the Jury when you went outside, did you tell anybody right then?

A No, sir.

Q It was your own mother? Right?

A Right.

Q Did Amanda tell anybody?

A No, sir.

Q What did you do next? You and Amanda?

A After we got out of the hog barn when my mother came, we sat on the back of the truck.

Q Did your mother ask him anything, at that time, if you remember?

A No, sir.

Q Did he look different from when he went in the hog barn?

A (No response.)

Q Describe -- did he look any different?

A I don't remember.

Q Was it hot or cold?

A Hot.

Q You weren't wearing a jacket?

A Right.

Q Do you know the exact date?

A No, sir.

Q Do you know the exact month?

A No.

Q Let's go to Christmas; was it before or after Christmas, the best you can remember.

A Before.

Q Let's go to the next holiday which was Thanksgiving, turkey day, okay? Was it after turkey day and before Christmas or before turkey day, if you know, the best you can remember?

A After Thanksgiving.

Q Okay. Now, could you tell the Ladies and Gentlemen of the Jury, you said he had sexual intercourse with you four times at the branch?

A Yes, sir.

Q You were under twelve and that was here in Henry County and every time would you take off your clothes completely or did you take off your clothes?

A Not all the way.

Q Would there be anybody else around?

A No, sir.

Q Had you told Amanda he had done these things to you before she came home to visit that day from school?

A No, sir.

Q Now, you talked to Clyde Hornsby? Right?

A Right.

Q You have talked to me, haven't you?

A Yes, sir.

Q You talked to our investigator, haven't you?

A Yes, sir.

Q You talked to Mr. Mendheim, our District Attorney, haven't you?

A Yes, sir.

Q You talked to your mom, haven't you?

A Yes, sir.

Q Talked to your dad?

A Yes, sir.

Q You talked to another Human Resource worker, haven't you?

A Yes, sir.

Q Have you talked to many, many people about this?

A (No response.)

Q You have, haven't you? People have asked you what occurred to you?

A Yes, sir.

Q You have talked to the Grand Jury, too, didn't you?

A Yes, sir.

Q Now, I want to show you a picture, if I could, please? Before I do that, let me ask you - - - at B. C. Money, Sr.'s trailer, did he ever show you anything in the trailer, the house? I say the house, the trailer he lived in?

A Yes, sir.

Q Did he ever show you any type of pictures?

MR. RAMSEY: We object to the leading. I understand that he can lead the witness, but I think it is going too far.

MR. VALESKA: I will withdraw and ask it this way, Your Honor.

BY MR. VALESKA:

Q Let me show you State's Exhibit Number 4, for identification purposes. Those are two items and stick them in front of you and ask you if B. C. Money, Sr. ever showed you those? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) He showed me these.

Q Okay. Which ones? Reach up and grab them for me so I can see.

A (Witness picks up a deck of cards.)

Q The one with the box?

A Yes.

Q You can read, can't you?

A Yes.

Q Read what that says.

A Taste me. Lips.

Q Now, did he show you the actual things inside here?

A No, sir.

Q Inside the card?

A He showed me some pictures. He didn't show me all of them.

Q The pictures, were they of men?

A No, sir.

Q What were they pictures of?

A Naked women.

Q Would you tell the Ladies and Gentlemen of the Jury do you see the back of it?

A Yes, sir.

Q What is on the back?

A Naked women.

Q Are these children or older women, if you know?

A Older women.

Q I am showing you some of these pictures, are these some of the pictures that you saw with the girls in the poses like they are in?

A Yes, sir.

Q Was his wife around when he showed you those?

A No, sir.

Q Any of his other family members, besides you, there?

A No, sir. Well, my granny was in the kitchen and

[redacted]  
we was in his room.

Q Did you tell your granny he had showed you those?

A No, sir.

Q This other deck, the red deck I am showing like this with no pictures that you can see, did he ever show you those?

A No, sir.

Q So, you don't know what type of pictures are on this side at all, do you?

A No.

Q If any? Correct?

A No.

Q Okay. So, I will show you State's Exhibit Number 11, the one that I had showed Mr. Ramsey. State's Exhibit Number 11, for identification purposes, it is not in, would you tell the Jury what that is?  
(Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) The hog barn.

Q Is that the barn that you described, about how it looked with the window and the growth or the grass and how it looked on this occasion when he raped and sexually abuse Amanda?

A Yes, sir.

Q Appear to be marked in any way, changed, except for

the Court's number, the best that you can tell?

Is that the way it looked?

A Yes, sir.

Q Same with the roof? Correct?

A Yes, sir. Well, the weeds have grown a little bit around it.

Q Okay. Besides that, the building is the same, isn't it?

A Yes, sir.

Q You described it, you said it was made of wood?

A Yes.

Q Had a roof on it?

A Right.

MR. VALESKA: I offer State's Exhibit 11.

THE COURT: Any objections?

MR. RAMSEY: No objections.

THE COURT: Let it be admitted.

(Thereupon, State's Exhibit Number 11 was received in evidence. After that, the following proceedings were had, to-wit:)

BY MR. VALESKA:

Q I want to ask you, if I could, please, Amber, can you tell the Ladies and Gentlemen of the Jury how far is this from your grandfather's house? You are sitting right here in the Witness Stand today and can you see outside the Court Room there?

A Yes, sir.

Q You see that window, do you see those trees way out there? (Indicating.)

A Yes, sir.

Q Is it further than that or closer from your grandfather's trailer to where what you call the hog barn is?

A (No response.)

Q What I am asking you is from your seat in the Witness Stand all the way out the Court Room, you see the trees with the truck way out there? Right?

A Right.

Q Okay. Then what I asked you was looking at this picture from where the hog barn and where your grandfather's trailer was in Henry County, is that about the same distance, closer, tell me.

A From right here?

Q Right.

A To about that first tree right there. (Witness indicating.)

Q The tree out the window? Right?

A Right.

Q Okay. Is that the pecan tree on the left or the pear tree way further in the middle?

A The pecan tree.

Q Now, can you tell the Ladies and Gentlemen of the Jury, this is in Henry County?

A Yes, sir.

Q You are sure?

A I am sure.

Q Now, let me show you a few other pictures, if I could? I am showing you State's Exhibit Number 6. You can still look at Exhibit 11. This is State's Exhibit 6; do you recognize that? That is in evidence. What building is that? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.)

Q You can use Exhibit 11 to help you.

A The same building.

Q Okay. Does that show the growth or the poles in relationship to looking at the corner of it?

A Yes, sir.

Q Let's look at State's Exhibit Number 7, which is in evidence. What is Exhibit 7? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) That is where the back, that is -- that is the room.

Q Okay. What I want you to do is take my -- take that blue pen and I want you to put an X on the room, if you can, on State's Exhibit 7, that you went in where this happened with Amanda, where it is, if you can see on there; if you can tell?

A I can't tell.

Q You can't tell? That is fine. Is that the inside of the barn, showing as you go around the corner, look right here on State's Exhibit 11, as you go around the corner -- let Mr. Ramsey see it. This direction I am referring to, is that what it looks like when you get inside?

A Yes, sir.

Q This first room right here --

A That is the room that you go in to get there.

Q Okay. When you go inside that door there, does that go inside where it occurred, you said the pen, where it happened to Amanda?

A No, sir.

Q Look at State's Exhibit Number 8 that has been admitted. What is that? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Shingles.

Q Is that the room?

A (No response.)

Q If you can tell?

A I can't tell.

Q Okay. Let me ask you, if I could, you said that you left that trailer and went to the dog pens first? Is that right?

A Right.

Q He showed you the magazines that you referred to? Correct?

A Correct.

Q What were they in before he showed them to you, if you know?

A A red box.

Q Locked or unlocked?

A Locked.

Q Who had the key?

A My granddaddy.

Q I show you State's Exhibit Number 3 and Number 9 that are admitted in evidence. Do you recognize

Exhibits 3 and 9? (Produces the exhibits in question for examination.)

A (Witness studies the exhibits in question as requested.) Yes, sir.

Q What are they?

A The box.

Q Okay. I am referring to Number 9, pointing to a building further down here, right? Do you see that building? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q What building is that on Exhibit 9?

A That is his shed.

Q Okay. Do you see the red box on here?

A Yes, sir.

Q Is that the box where he got the magazines out?

A Yes, sir.

Q State's Exhibit Number 5, that has been admitted in evidence. Does that help you as to the room where you testified what happened to Amanda? Does that look like the shingles? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q Let me show you State's Exhibit Number 10 that has been admitted in evidence, the shingles themselves.

Do you recognize them? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q Is that the color of the type of shingles?

A Yes, sir.

Q Point out the man that took his hand and touched you outside your private parts, used force against your will when you were under twelve and he was at least sixteen years older than you, older than sixteen in Henry County, can you see him in the Court Room? If you see him, point him out.

A (Witness indicating toward the Defendant as requested.)

Q Which one, the first or second man?

A (No response.)

Q What color coat?

A Brown.

MR. VALESKA: Let the Record reflect that she has pointed out the Defendant, B. C. Money, Sr.

BY MR. VALESKA:

Q I want you to point out to the Ladies and Gentlemen of the Jury the man that you testified on four occasions took his private part and put it inside your vagina, his penis in Henry County when you were under twelve and he was at least sixteen years old or older and used force to do that. Point him out.

A (Witness indicating toward the Defendant as requested.)

Q What color coat?

A Brown.

MR. VALESKA: Let the Record reflect that she has pointed out the Defendant, B. C. Money, Sr.

BY MR. VALESKA:

Q The last question I want to ask you is, I want you to tell these Ladies and Gentlemen of the Jury -- two questions. State's Exhibit Number 2, are these the books that he showed you and Amanda? If you need to look through them --

A Yes, sir. That is the books.

Q Are these the pictures?

A Yes, sir.

Q I won't show you any more, but they show the private parts of men and women on there?

A Yes, sir.

Q What does the magazines say on the outside, on the cover? Swank?

A Yes, sir.

Q Free phone sex it says?

A Yes.

Q Point out the man that showed you those magazines, he is related to you and your family, here in the Court Room.

A (Witness indicating toward the Defendant as requested.)

Q What color coat does he have on?

A Brown.

MR. VALESKA: Let the Record indicate that she said brown. B. C. Money, Sr. That is all I have. Pass the witness. They get to ask you some questions.

THE COURT: Just a minute. Okay. I have got a couple of things to take up with the

attorneys at this time. If y'all would, go back to the Jury Room for two or three minutes. I would appreciate it.

(Witness excused.)

(Thereupon, the Trial Jury proceeded to the Jury Room with the above instructions from the Court and the following proceedings were held out of the presence and hearing of the said Trial Jury, to-wit:)

THE COURT: Okay. I think this is probably a pretty good time to take off. I don't think we need to resume for your Cross.

MR. RAMSEY: I anticipate at least forty-five minutes, Your Honor.

MR. VALESKA: Could I ask your indulgence; I need to ask her a couple of more questions.

THE COURT: That will be fine.

MR. VALESKA: You said a quarter of 5:00 and then I understand that Mr. Ramsey will

have a long Cross Examination. I apologize. I could wait and do it on Redirect, but I think we need to go ahead now.

THE COURT: Of course, the last Cross Examination was about an hour and a half.

MR. RAMSEY: Was it that long?

THE COURT: It was that long. That is what I am saying, forty-five minutes, we may could go ahead, but if it is like last time - - -

MR. RAMSEY: Well, I anticipate it will be as - - - I didn't realize it was that long.

THE COURT: It was pretty long.

MR. VALESKA: Can I just bring them back and ask her a few questions and then recess?

THE COURT: Well, what I want to talk to you about at this time is the bond in the case. I don't know what the bond is at; do you know what the bond, Mr. Ramsey, is?

MR. RAMSEY: It is considerable. I think it is over one hundred thousand dollars,

Your Honor.

THE COURT: Well, I have been looking through the file and it seems like it was reduced at one point.

MR. VALESKA: It was reduced by one of the judges.

THE COURT: That is what I want to find out, what the bond is now. I am not really sure.

MR. VALESKA: Can we get the Clerk in here?

MR. RAMSEY: Your Honor, Mr. Money has ties to this area all of his life. He is a life-long resident of Henry County and he has no intention of going anywhere.

THE COURT: I understand that. But, also I have heard the evidence in this case and as far as I am concerned, it is very convincing. I don't know if it is true or not, that is up to the Jury. But, if I was hearing the Preliminary Hearing and setting the bond, I would set it pretty high. These young girls here, I don't want any intimidation here with them or their family or anything else. If the bond is high enough, fine. If it

is not, I am going to raise it.

MR. RAMSEY: So, Your Honor will know, he has been ordered to stay away from any contact with the victims to this point.

THE COURT: I understand that. But, we are also in the middle of a trial where, again, the Jury decides the facts, but in my mind, there is a great likelihood that he will be convicted from what I have heard on this stand. There is a possibility of not only what I said about the intimidation of a witness, there may be a danger of flight in this case, plus the danger to the community of having somebody on the street that did this kind of stuff like this.

MR. RAMSEY: Your Honor, he is innocent until he is found guilty by the Jury.

THE COURT: I understand that. The judge can set what he wants to, also.

MR. RAMSEY: Yes, sir. I understand that.

THE COURT: And, as I understand, previously, and I am at a disadvantage as I was not the judge on this case to start with, but I understand at one time he went to

Texas and you don't know where he was at.

Is that correct?

MR. RAMSEY: No, sir. That is not correct.

He went to North Carolina one time.

THE COURT: Okay. Well, I am going to look at the bond.

MR. RAMSEY: Well, he has been out of town a couple of times, but we have always asked for and received permission on each and every occasion.

THE COURT: I am not saying I will raise it, Mr. Ramsey. If it is high enough, you know, fine. I have just got a feeling that it may not be. Until I find out, it will be doing a disservice to everybody. (Referring to the Case File.)

THE CLERK: One hundred and twenty thousand dollars total.

THE COURT: One hundred and twenty? Is that a property bond?

THE CLERK: Yes, sir.

THE COURT: All right. Okay. In my opinion, that is not high enough for this particular case. Does the DA have a

recommendation?

MR. VALESKA: No, sir.

THE COURT: Okay. Bond is raised to two hundred and fifty thousand dollars with surety. I will not take any property bonds.

MR. VALESKA: Can we get the Jury back?

THE COURT: Yes, sir. Bring them back.

(Thereupon, the Trial Jury was returned to their place in the Jury Box and the witness was returned to the Witness Stand and the following proceedings were had, to-wit:)

MR. VALESKA: Just a few more questions.

THE COURT: Go ahead.

DIRECT EXAMINATION CONTINUED

BY MR. VALESKA:

Q I want to go back and ask you, if I could, let's

go to the hog barn on this occasion, this date, when you and Amanda were in there, Amber, with B. C. Money, Sr. Do you remember what type of clothing Amanda was wearing?

A No, sir.

Q Okay. Do you remember what kind of clothing you were wearing?

A No, sir.

Q Were you wearing big heavy coats?

A No, sir.

Q Okay. I want you to tell the Ladies and Gentlemen of the Jury, if you could, as your grandfather, B. C. Money, Sr., has he ever shown you any VCR movies before? Yes or no?

A Yes, sir.

Q How many different types of movies, can you tell me? Many, one, two, few, a lot?

A One.

Q That one VCR movie that he showed you, what was the name of it?

A Screwballs.

Q Would you tell the Ladies and Gentlemen of the Jury, in that movie Screwballs, that VCR movie, what occurred during that movie that he showed you?

A In one part, there was a man and woman having sex in a car.

Q Do you remember how the movie starts off? I know it has been a long time; do you remember?

A No, sir.

Q Was anybody else present when he showed you that movie?

A Talking about in there with me?

Q Uh-huh. (Affirmative response.)

A My brother.

Q Did he point out or talk about the part about sex that was occurring between a man and a woman?

A No, sir.

Q Was he in there with you?

A My granddaddy?

Q Uh-huh. (Affirmative response.)

A Yes, sir.

MR. VALESKA: That is all. Thank you, Your Honor.

THE COURT: Okay. I think, gentlemen, this will be a good time to stop for the day.  
Is that correct?

MR. RAMSEY: Fine. Whatever you say.

THE COURT: We have a Juror that needs to

leave in about fifteen minutes. So, rather than get into the Cross Examination of this witness, we will save that for tomorrow. Okay. Ladies and Gentlemen of the Jury, at this time, you will be dismissed or recessed until tomorrow morning at 9:00 o'clock. If you would, remember the instructions that I gave you before and do not listen to any TV or radio accounts of this particular trial. I don't know if there will be any or not, but please do not listen to those, do not read any newspaper accounts of this particular trial. There will be newspaper coverage, because there is someone here, right now, from the Dothan Eagle that has reported this particular trial. Do not read those accounts. Again, do not discuss this case among yourselves, with any family member, or any friends. And certainly, don't let anybody discuss this case with you. And, you need to remember this, because it is an important case and at some point, the attorney may ask me to

pole the Jury and ask you whether or not anybody has discussed the case with you or whether or not you have read or listened to any type of media coverage of this event. But, anyway, until 9:00 o'clock you will be recessed and come back to the Jury Room. Don't come out here, because there will be other Jurors coming out here. So, if you will, go back in here and be sequestered there until 9:00 o'clock until we start testimony again in this case. Thank you.

(Witness excused.)

(Thereupon, the Trial Jury was released for the evening with the above instructions from the Court and a recess was called and taken by all parties. Upon completion of said recess, all parties returned to the presence and hearing of

the Court Room and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Let me say this for the Record.

On the request for the in camera inspection of the Record, Mr. Ramsey, you requested yesterday - - -

MR. RAMSEY: Yes, sir.

THE COURT: The Court did look at that yesterday and I don't see anything significant that you need, at this time.

MR. RAMSEY: All right, sir.

MR. VALESKA: I want to ask something, I want to make sure he had open file discovery of everything that I had. The file was turned over to the Defendant.

MR. RAMSEY: Not the Department of Human Resources File. I never saw that.

MR. VALESKA: But, we did have in our records, the District Attorney File, many reports and statements in our files. There are

copies of the interview with Human Resources. I understand what Mr. Ramsey is saying, I don't have all the files, but you have the records supplied to me by Beth Rushing and the other Human Resource workers in our files. I am asking weren't you given those files?

MR. RAMSEY: I have portions of the Department of Human Resource File.

THE COURT: Were the statements of the two victims to the Department of Human Resources, were they given?

MR. RAMSEY: That is all I have.

THE COURT: That is basically what is in these files, statements that were given to DHR and statements given to investigators in the case about the evidence in the file.

MR. VALESKA: It is the regular process of the District Attorney to give them open-file discovery, which includes the Human Resource Records given to us. I agree with Mr. Ramsey, I don't know what is in the Human Resource File of Beth Rushing and the others. I am trying to

put Money in the penitentiary and I think that they should have every opportunity. That is all I am saying, that we had given open-file discovery of our stuff and he clarified if there was something else in the Human Resource File, which you have, which I haven't seen.

THE COURT: All right. Bring in the Jury. Are there any witnesses in the Court Room?

MR. VALESKA: We do ask for the Rule.

MR. RAMSEY: Yes, sir. I have a couple.

THE COURT: All right. You need to go in the back.

MR. RAMSEY: Judge, my understanding is there are more witnesses.

THE COURT: Okay. All witnesses in the Court Room need to go in the back. Any more witnesses in this particular case.

(Thereupon, the Court Room was cleared of witnesses and the Trial Jury was returned to

their places in the Jury Box. At that point the witness was returned to the Witness Stand and the following proceedings were held in the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Okay. Let's see, did you have more questions, Mr. Valeska?

MR. VALESKA: No, sir. I believe I finished yesterday, Your Honor.

THE COURT: All right. Mr. Ramsey.

MR. RAMSEY: Thank you, judge.

CROSS EXAMINATION

BY MR. RAMSEY:

Q Amber, my name is Mr. Ramsey and I am your granddaddy's lawyer. I need to ask you some questions. Is that okay?

A Yes, sir.

Q Okay. Now, I don't mean to embarrass you in

any way and if I do, will you forgive me?

A Yes, sir.

Q Okay. Thank you. How old are you, Amber?

A Eight and a half.

Q What is your date of birth?

A Talking about the year?

Q Do you know what your date of birth is, the month, day, and year?

A December 27, 1986.

Q Okay. What grade are you in?

A I am in the third.

Q Where do you go to school?

A Columbia.

Q Where do you live, now?

A Haleburg.

Q Who do you live with?

A My mother and my father.

Q Okay. That is your granddaddy's son, B. C.?

A Yes, sir.

Q They call him Comer? Is that right?

A Yes, sir.

Q Anybody else live in the house with you?

A No, sir.

Q Now, would you say Amanda is your best friend?

A Yes, sir.

Q Do you and Amanda do a lot of things together?

A Yes, sir.

Q Is Amanda in the same grade as you or a grade ahead of you?

A A grade ahead of me.

Q How long has she been your best friend?

A I don't know.

Q So long as you can remember?

A It has been a long time.

Q A long time, anyway?

A Yes, sir.

Q That is fine. Now, how do you get to school?

A School bus.

Q How did you get to school back in the fall of 1993, about two years ago?

A I rode a school bus.

Q You would have been in the first grade then? Is that right?

A That is right.

Q Okay. And, you were, you are eight and a half now, so you would have been six and a half then? Is that right?

A Right.

Q How did you get home from school?

A I rode the school bus.

Q Where did you go?

A I went to my granny's.

Q Is that your granddaddy's house?

A Yes, sir.

Q And, your granny is Ruby? Is that right?

A Right.

Q Miss Ruby. Did you do that everyday or pretty much everyday?

A Yes, sir.

Q Okay. Would Amanda do that with you?

A She did one time.

Q Just one time?

A Yes, sir.

Q Okay. Do you know how Amanda got home from school, other than this one time?

A She would ride the school bus home, too.

Q And, the driver let her off at her house?

A Yes, sir.

Q Do you know whether or not anybody would be home, at that time?

A Nobody would be at home.

Q I mean at her house, I mean home at Amanda's house?

A No. No, sir.

Q Nobody would be there?

A - - - (Witness shakes her head to the negative.)

Q Have you ever been to Amanda's house?

A Yes, sir.

Q Who lived with Amanda back then?

A James and Veneva.

Q Was there a Jimmy Logan living there?

A He did, I think.

Q You think he did back then? Okay. Don't you also think Kevin Logan lived there, too, at that time?

A Yes, sir.

Q And, Amanda's brother lived there, too?

A Yes.

Q Would they be at home after school when the school bus would drop Amanda at home?

A No. They all come home together.

Q They all come home together?

A Uh-huh. (Affirmative response.)

Q All ride the same bus?

A Yes, sir.

Q Okay. So, Kevin and Jimmy and Amanda would get to the house at the same time from school?

A And, Chuck.

Q And Chuck, too? Okay. There weren't any adults home at that time, were there?

A No, sir.

Q But, the school bus would drop you off at your grandmother's?

A Yes, sir.

Q Why wouldn't it drop you off at your house?

A My mother was at work.

Q There was nobody home to take care of you? Is that right?

A No, sir.

Q How many times have you been to Amanda's house?

Quite a few times?

A Yes.

Q Does Amanda live in the same place now as she did then?

A Yes, sir.

Q Do you still go to Amanda's house, now?

A Yes, sir.

Q Do Kevin and Jimmy still live there?

A No, sir.

Q How long have they been gone from the house, if you know?

MR. VALESKA: Objection. Irrelevant.

THE COURT: Overruled.

THE WITNESS: I don't know.

BY MR. RAMSEY:

Q You don't know? Okay. But, Amanda only went to -- - what do you call your granddaddy?

A Granddaddy.

Q Granddaddy? Okay. Amanda only went to your granddaddy's house one time? Is that right?

A That time when my sister was down here, Amanda and Chuck would get off at my house.

Q So, she may have been one time before that? All right. But, no more than that, no more than one or two times?

A (Witness shakes her head to the negative.)

Q What did you do on this day when Amanda and you went to your granddaddy and grandmother's house when you got off the bus?

A We went inside and laid our back packs down and got some cookies and something to drink. Then we went outside to the dog pen and granddaddy opened his red box up and got the nasty books out.

Q Okay. You have been to, obviously to your granddaddy and grandmother's house a lot of times? Right?

A Yes.

Q Who is James Ernest Amos?

A (No response.)

Q Do you know?

A He is my first cousin.

Q First cousin? That is your granddaddy's grandson, isn't it?

A Yes, sir.

Q Now, do you remember when James Ernest used to live with your granddaddy?

A No, sir.

Q You don't remember that?

A No.

Q Okay. Do you know whether or not James Ernest had a bedroom at your granddaddy's trailer?

A Yes, sir.

Q How do you know that?

A I know he slept there.

Q You know he stayed there one time, at least a little while? Is that right?

A Yes.

Q Didn't you find a bunch of magazines up in the closet of the bedroom that James Ernest used to stay in, one time?

A Yes, sir.

Q And, it was a box of dirty magazines, wasn't it?

A Right.

Q And, your grandmother caught you looking at them,  
didn't she?

A Yes.

Q She told you to put them up?

A Yes, sir. She let us look at them a few minutes  
and then she took them away.

Q She let you look at them for a few minutes and  
then took them away? All right. All right.

Your granddaddy wasn't there then, was he?

A No, sir.

Q And, who was with you when you found these magazines?

A My cousin, Kevin.

Q Okay. So, you and Kevin found these magazines in  
a box in the bedroom where James Ernest used to  
stay?

A Yes.

Q Was James Ernest still living there, then?

A I don't think so.

Q Okay. Now, did you find these magazines before  
all this happened that you are telling us that your  
granddaddy did?

A Yes, sir.

Q Do you remember when it was, would have been that  
you found these magazines?

A No, sir.

Q About how old were you then?

A I was about six and a half.

Q About six then? Okay. Now, you found them at your granddaddy's trailer? Is that right?

A Yes.

Q What did your grandmother tell you when she caught you looking?

MR. VALESKA: Object to what the grandmother said.

THE COURT: All right. Sustained.

MR. VALESKA: Let him call the grandmother.

BY MR. RAMSEY:

Q Did your grandmother do anything when she found you looking at them?

A Put them in the closet, up at the top of the closet.

Q Did she get on you in any way for looking?

A No, sir.

Q Did you know that you shouldn't be looking at that type of stuff?

A Yes, sir.

Q And, it was you and Kevin, you said?

A Right.

Q Is that, was that Kevin Logan?

A No, sir.

Q Who was that?

A Kevin Money.

Q Kevin Money? Who is Kevin Money?

A He was uncle Billy Gene's son.

Q How old was he, at the time?

A I don't know.

Q Okay. Is he older than you?

A Yes, sir.

Q A couple of years older than you?

A Yes, sir.

Q Now, on this day when Amanda went with you to your granddaddy's house, did your mother pick you up that day?

A Yes.

Q What time?

A (No response.)

Q Do you remember what time she came to get you?

A No, sir.

Q Where did she come pick you up at, exactly?

A At the hog barn.

Q Did she drive all the way down to the hog barn?

A No, sir.

Q Where did she leave her car?

A At granny's house.

Q She came down to the hog barn?

A Yes.

Q How did she know you were down at the hog barn?

A I think granny told her.

Q Your grandmother knew you were going down to the hog barn that day? As a matter of fact, your granddaddy told your grandmother he was going down there?

A Uh-huh. (Affirmative response.)

Q She knew you would be going to feed the dogs on the way?

MR. VALESKA: I object to what she knew.

THE COURT: Sustained.

MR. RAMSEY: I will withdraw that question.

BY MR. RAMSEY:

Q Did you go by and feed the dogs on the way?

A No.

Q You didn't feed them, but you went back and looked at them?

A Yes.

Q There was a bunch of puppies there; one of the dogs just had a litter?

A Right.

Q Now, you don't know what time of year this was, you just think it was in the fall? Is that right?

A Right.

Q Okay. Who is Jimmy Bowden?

A My brother.

Q Okay. Have you ever talked with Jimmy about sex?

MR. VALESKA: Objection.

MR. RAMSEY: What grounds?

THE COURT: What is the relevance, Mr. Ramsey?

MR. RAMSEY: Your Honor, may I approach?

THE COURT: Yes, sir.

(Thereupon, an off the Record discussion was held between the Court and the Attorneys of Record. Upon completion of said discussion, the following proceedings were had, to-wit:)

MR. VALESKA: I withdraw my objection.

THE COURT: Go ahead, Mr. Ramsey.

BY MR. RAMSEY:

Q Have you ever talked with Jamie about sex?

A No, sir.

Q Okay. Now, you told the Ladies and Gentlemen of the Jury about the time that your grandfather whipped you?

A Yes, sir.

Q Okay. Was that before all this happened?

A Yes, sir.

Q Did that whipping make you mad?

A Yes, sir.

Q Had your grandfather ever talked about you or whipped you or as a matter of fact, you or anybody before that day?

A No, sir.

Q It made you really mad, didn't it?

A Yes.

Q And, you were mad enough to tell your mother about that? Weren't you?

A Yes, sir.

Q You went home and told your mother about that

whipping that very day?

A Yes, sir.

Q You didn't scare or weren't scared of your grandfather at that time, were you?

A No, sir.

Q He just whipped you?

A Yes, sir.

Q Now, how long before all this happened was that whipping?

A A long time. I don't remember.

Q And, you are telling us that the only reason he whipped you is because you didn't dance with your grandmother?

A For her.

Q For your grandmother? Wasn't any other reason at all?

A No, sir.

Q What did you ever tell your grandfather about that? What I am saying is did you ever say anything about that?

A No, sir.

Q Did he ever whip you or spank you or anything like that after that time?

A No, sir.

Q Now, let me get back to these magazines you found.

Didn't you, after your grandmother told you to put those back up and don't be looking at those, didn't you get back in there again?

MR. VALESKA: I object to what the grandmother said. Let him call the grandmother.

MR. RAMSEY: I intend to, Your Honor.

THE COURT: Okay. Sustained.

MR. RAMSEY: Mrs. Money will take the stand.

BY MR. RAMSEY:

Q Whatever your grandmother told you, regardless, after you put them up the first time, didn't you get back in the magazines again?

A Yes, sir.

Q And, you got caught again?

A Yes, sir.

Q So, you knew that you, you knew if the first time that you weren't supposed to be looking at them and you got back in there, was that the same day or later?

A It was later.

Q Wasn't even the same day, it was another trip to the house, wasn't it?

A Yes, sir.

Q Now, do you know whether or not your grandfather ever took those magazines and got them out of there and took them to burn them?

A I think he burned some and then he saved two.

Q Okay. Why do you think that?

MR. VALESKA: I object to her testifying why the grandfather saved two or burned them.

THE COURT: Okay. Sustained.

MR. RAMSEY: Your Honor, she just testified and I just want to know why she made that statement. I think I am allowed, if she knows.

MR. VALESKA: She testified that he burned some and saved two. She can't testify why B. C. Money did this, that is a mental conclusion only he can testify to.

THE COURT: Only way she knows that is if he told her something. That would be hearsay. Sustained.

BY MR. RAMSEY:

Q Let me ask you this way. Did you see your grandfather burn any of these?

A No, sir.

Q But, you know that they were gone after this second time you looked at them?

A Yes, sir.

Q Were they gone right after that?

A I don't know.

Q Did you go look for them again?

A No, sir.

Q Then how did you know they were gone?

A They were - - - I don't know.

Q Okay. Now, you have told us that your grandfather took you by the dog pen, you and Amanda, on this day?

A Yes.

Q You can't remember when it was and that you then went down to the hog barn, as you call it, right?

A Right.

Q Do you remember there ever being hogs in the barn?

A No.

Q You know it has to be the hog barn, because that is what you heard it called?

A Yes.

Q In fact, there was nothing in the barn on this day?

A Well, no. There aren't no animals.

Q Let me ask you about the shingles. How many were in there? Was it a stack of shingles?

A Yes, sir.

Q In fact, it was stacked about this high, wasn't it? (Indicating.)

A Yes.

Q And, it was a bunch of them, wasn't it?

A Yes, sir.

Q And, it was down there because somebody, at one time, intended to put them on the roof and never got around to it? Is that right?

A Yes, sir.

Q Now, before you went to the hog barn, you told us that you went to this tool box? Is that right?

A Yes, sir.

Q And, you told us that your grandfather opened up this tool box?

A Yes, sir.

Q You don't remember that tool box being already open when you first saw it?

A I do.

Q Okay. It was already opened when you first saw it, wasn't it?

A Yeah.

Q In fact, you didn't see your grandfather open that box, did you?

A Well, I did see him open it.

Q When did you see him open it?

A He - - - I don't exactly know when, but he opened it and got some magazines out.

Q Is it not true that it was already open when you saw the tool box?

A Right.

Q Okay. So, your grandfather got these magazines out and brought them to show you?

A And Amanda.

Q Where were you and Amanda then?

A He closed the box and we sat on top of the box.

Q What do you mean by box; in the back of the truck?

A The tool box.

Q The tool box in the back of the truck?

A No. That red one.

Q Okay. So, you were already right by the tool box then and what were you doing there, do you remember?

A Looking at those books.

Q Did your grandfather say anything to you when he showed you those magazines?

A No, sir.

Q Just showed them to you and didn't say a word?

A Right.

Q Did you say anything to him?

A No.

Q Now, you knew you weren't supposed to be looking at these-type magazines? Is that right?

A Right.

Q Why didn't you say anything to him then?

A I don't know.

Q Do you know whether or not Amanda said anything to him?

A No.

Q What happened next?

A Coming back, we got off the red tool box and he lifted the lid and put them back in there. And then we got on the back of the truck and rode down to the hog barn.

Q Okay. How far was that? Wasn't far, was it?

A No.

Q Do you know whether your granddaddy locked the box back up?

A He did.

Q What type of lock was it? Do you know?

A (No response.)

Q Was it a padlock on the box or did it have a combination lock or - - -

A It was a padlock.

Q Padlock? Then he went on in to the, to this room on the side of the hog barn, actually?

A Yes, sir.

Q And, you told us that it had one or two windows?

A Right.

Q And, the door entrance way to this room doesn't have a door on it, does it?

A No, sir.

Q What type of floor was in this room?

A Dirt.

Q Where were the shingles in relation to the room?

A The other room down, the last room on the other side.

Q How far was it?

A Oh, not much.

Q You told us that you went and got some shingles?

A Yes, sir.

Q How many times did you walk over and get shingles and put them down on the ground?

A I don't know.

Q More than once?

A Yes, sir.

Q Okay. What did you do that for?

A After he got the shingles, me and Amanda laid down, laid them down on the ground.

Q Why did you do that?

A Granddaddy told us to.

Q He told you to?

A Yes.

Q What happened next?

A Granddaddy asked Amanda to lay down on one.

Q He asked her to lay down?

A (Witness nods her head to the affirmative.)

Q Did she lay down?

A Yes, sir.

Q What happened next?

A He pulled down her pants.

Q Okay. Did he pull down her pants before she was laying down or after she was laying down?

A After.

Q Okay. Did she have panties on?

A Yes, sir.

Q Did your granddaddy pull down her panties?

A Yes, sir.

Q Now, are you sure you saw your granddaddy pull down Amanda's pants and panties?

A Yes, sir.

Q Are you sure she was laying down when you saw your granddaddy do this?

A Yes, sir.

Q So, if Amanda said she was standing up and she - - - strike that. Did you ever hear your granddaddy say anything to Amanda?

A No, sir.

Q Nothing at all?

A No, sir.

Q He just pulled her pants down and pulled her panties down? Is that right?

A Yes, sir.

Q You are sure about that?

A Yes, sir.

Q And, you were watching this standing right there, weren't you?

A Yes, sir.

Q And, you didn't like what you were seeing, I guess, or did you?

A I didn't.

Q So, if Amanda said that while she was standing up your granddaddy told her to take her pants down

and take her panties down, then your recollection is completely different from that? Is that right?

A Yes, sir.

Q Okay. Have you ever been to Amanda's house when Jimmy and Kevin were there?

A Yes, sir.

Q Has either one of them ever messed with you?

MR. VALESKA: Objection.

THE COURT: Sustained.

BY MR. RAMSEY:

Q Have you been at the house when Jimmy and Kevin were there and no parents were there, no adults there?

A Yes, sir.

Q How many times?

A Once.

Q Just one?

A Yes.

Q Now, what did you do when you watched this happening to Amanda?

A I was standing there.

Q Did you close your eyes?

A No, sir.

Q You watched it?

A Yes, sir.

Q How far away were you?

A About - - - I don't know how far I was.

Q Tell us what you saw.

A I saw granddaddy stick his penis in Amanda.

Q Did you ever see anything else happen?

A No, sir.

Q That was it?

A Yes, sir.

Q Did your grandfather pull his pants down?

A No, sir. He unzipped his pants.

Q Unzipped his pants and - - -

A And unbuttoned his boxer shorts.

Q If Amanda told us that your grandfather pulled his pants down to his knees, that is not what you remember?

A No.

Q Did he ever touch her?

A Yes, sir.

Q Okay. Did he touch her before or after he put his penis in?

A Before.

Q Okay. You saw this?

A Yes, sir.

Q So, when you just said that you didn't see anything else but him sticking his penis in her, you just didn't remember him touching her? Is that right?

MR. VALESKA: That is not what she said.

THE COURT: Okay. Sustained.

BY MR. RAMSEY:

Q Why didn't you leave?

A I don't know.

Q Do you know why you didn't just run out of the door?

A Yes, sir.

Q I mean, there was nothing to prevent you from doing that, was there?

A Well, he was close to the door.

Q But, he was on top of Amanda, according to you, at that time? Is that right?

A Right.

Q Was there anything stopping you from running out the door?

A Yeah.

Q You knew your grandmother was up at the house,  
didn't you?

A Right.

Q Did you know what you were seeing was a bad  
thing?

A Yes.

Q Did you know it then?

A Yes, sir.

Q And, you know it now, don't you?

A Yeah.

Q And, you saw your mother right after this, didn't  
you?

A Yes, sir.

Q And, you had already told your mother about your  
grandfather hitting you, didn't you?

A (No response.)

Q Whipping you with the belt?

A Yes, sir.

Q But, you didn't tell your mother about this, did  
you?

A No, sir.

Q And, you are, you have told us that it was because  
you were scared? Is that right?

A Yes, sir.

Q Okay. Why weren't you too scared to tell your

mother about the whipping and you were too scared to tell her about this?

A I don't know. I was afraid that they wouldn't believe me, because my granny didn't.

Q Because your granny didn't?

A Yes, sir.

Q Okay. Did you ever tell your grandmother about this?

A Yes, sir.

Q But, this incident with Amanda or about what?

A I told her about him rubbing me on my private part.

Q That is what you told us about when he touched you on the outside, you said?

A Yes, sir.

Q You told your grandmother about that?

A Yes, sir.

Q You don't remember when that happened, though?

A No.

Q Did you tell her right after it happened?

A No, sir.

Q Now, you told us that your grandfather molested you on five different occasions? Is that right?

A Yes, sir.

Q Okay. Now, you told us that four of them happened at the branch? Right?

A Yes, sir.

Q And, that is the branch behind the house? Is that correct?

A Yes, sir.

Q And, you told us that one of them happened in the house? Right?

A Right.

Q Where are the falls?

A There is not a fall.

Q But, you didn't originally tell -- do you remember talking to Mr. Clyde about this?

A Yes, sir.

Q Clyde Hornsby, the Investigator Hornsby?

A Yes, sir.

Q Didn't you originally tell Mr. Clyde that one of these occasions happened at the fall?

A It was not really a fall, it looked like a fall.

Q Okay. But, now, is that another time?

A No, sir.

Q Okay. That is different from the branch, isn't it?

A Yes, sir.

Q Okay. So, try to straighten me out on this, if you can. You say four happened at the branch?

A Yes, sir.

Q And one at the house?

A Yes, sir.

Q That is a total of five times that this happened and you are sure about that? Right?

A Right.

Q Okay. What about the falls, what about the times you told Investigator Hornsby about this time it happened at the falls; is that another time?

A We didn't go to no falls.

Q I understand. But, didn't you tell Mr. Clyde that this happened at the falls one time? Didn't you tell him that?

A I don't think so.

Q You don't remember that?

A No.

Q Okay. The first time was when you were six?

A Yes.

Q Where did that happen?

A I was at the branch.

Q Was this before or after the whipping?

MR. VALESKA: Objection asked and answered.

She said all the sex acts occurred  
after the whipping.

MR. RAMSEY: But, she said that the whipping

took place when she was about six and a half.

THE COURT: Okay. Overrule. Go ahead.

THE WITNESS: I was six when the whipping happened and about six and a half - - -

BY MR. RAMSEY:

Q I wanted to make sure. I thought you said it, but it was after. Did your grandfather ever talk with you about sex?

A Yes, sir.

Q Okay. When did he do this?

A I don't remember.

Q Okay. What did you talk about?

A He told me how people had babies.

Q Was it because you asked him?

A No, sir.

Q Just came out and told you?

A Yes.

Q I know these questions are personal and again, I don't mean to embarrass you. If I do, please forgive me. The first time this happened, did he stick his penis inside you?

A Yes, sir.

Q And, did he stick it in all the way?

A No, sir.

Q Just a little bit?

A Yes, sir.

Q Did it hurt you?

A Not really.

Q Didn't hurt very much?

A No.

Q Did it scare you?

A Not really.

Q Okay. So, you weren't really hurt, weren't really scared?

A No, sir.

Q And, you didn't tell anybody about it?

A No, sir.

Q Amanda is your best friend, isn't she?

A Yes, sir.

Q Did you talk to her about it?

A Well, I told her what he had done, but she didn't say nothing.

Q You told her before she ever went over to your grandfather's house?

A No, sir.

Q Okay. You told her after she went to your grandfather's house?

A I told her when we were there.

Q Told her that very day?

A Yes, sir.

Q Did you and Amanda talk about what had happened, what you had seen happen that day? Did you talk about it with her?

A Not after it. No, sir.

Q And, you are best friends with her?

A Yes, sir.

Q Was what you saw upsetting to you?

MR. VALESKA: Objection. Asked and answered.

She has testified to it and that was about twenty-five questions back.

THE COURT: Sustained.

BY MR. RAMSEY:

Q Did Amanda appear to be upset?

A No.

Q But, you never talked with her about it?

A No, sir.

Q Why not?

A We just never think to talk about it.

Q Now, the second time this happened between you

and your grandfather, where did that happen?

A At the branch.

Q How long was this after the first time?

A I think the day after.

Q The next day, as best you can remember?

A Yes, sir.

Q Were you in school then or do you remember if it was in the summer time?

A Sometimes I was in school.

Q Okay. And, that was the same place, at the branch?

A Yes, sir.

Q What about the third time?

A It happened at the branch. Four times at the branch and one at the house.

Q I am trying, if I can and if you can remember, I am trying to take them in order, if you can?

A Uh-huh. (Affirmative response.)

Q You say the second time was the day after the first time and the third time, do you recall how long it was after the second time?

A No, sir.

Q Okay. What about, what about the fourth time? Do you remember how long it was after the third time?

A No.

Q Was it at the branch, also?

A Yes, sir.

Q Was the last time it happened, it happened in the trailer?

A Yes, sir.

Q You don't recall how long it was after the fourth time?

A No, sir.

Q Did he stick his penis inside you on the second time?

A Yes, sir.

Q All the way?

A No, sir.

Q Okay. What about on the third time?

A Yes.

Q All the way?

A No, sir.

Q Did he ever hurt you when he was doing this to you?

A No, sir.

Q Never hurt you?

A No, sir.

Q Never felt any pain?

A No, sir.

Q Ever get scared?

A No, sir.

Q Never got scared?

A No, sir.

Q The first time it happened, did he ask you to pull your pants and panties off?

A No, sir.

Q Did he do that every time?

A Yes, sir.

Q Pardon?

A Yes, sir.

Q Okay. Did he ask you to lie down?

A No, sir.

Q What would you do, just stand up?

A Yes, sir.

Q Every time you were never asked to lie down?

A No, sir.

Q And, he would try to stick his penis in you while you were standing up?

A Yes, sir.

Q Was he also standing up?

A Yes, sir.

MR. RAMSEY: Your Honor, if I may - - -

THE COURT: Okay. Sure.

(Thereupon, an off the Record discussion was held between the Defendant and his Attorney of Record, the Honorable Richard H. Ramsey, IV. After that, the following proceedings were had, to-wit:)

BY MR. RAMSEY:

Q Amber, have you ever asked your grandfather about sex?

A No, sir.

Q Okay. Have you ever told him that you would tell him something if he promised not to tell?

A Yes, sir.

Q What was that?

A I told him about me and Jamey having sex and me and Kevin, my cousin.

Q And, you made him promise not to tell before you told him that, didn't you?

A Yes, sir.

Q And, he got upset when he heard that, didn't he?

A I don't know. But, I told when he was messing with

me, during this time, that he was messing with me.

Q So, you told your grandfather about this?

A Yes, sir.

Q But, you never told anybody else?

A No, sir.

Q What did your grandfather do when you told him that?

A I don't remember.

Q Didn't he say:

Where did you hear about that kind of stuff?

Where did you learn to talk that way?

A I don't remember what he said.

MR. RAMSEY: That is all I have. Thank you.

MR. VALESKA: I have a few questions.

REDIRECT EXAMINATION

BY MR. VALESKA:

Q Would you tell the Jury when you said the four times at the branch that he had sex with you - - -

A Uh-huh. (Affirmative response.)

Q - - - who is taller? Tell the Jury, your grandfather or you?

A My grandfather.

Q You are shorter than he is?

A Yes, sir.

Q Tell them how he would try to have sex with you or had sex with you down at the branch. How did that occur when you were standing up?

A He would bend down a little bit.

Q Okay. And, when he bent down a little bit, did he put his private part inside your vagina?

A Yes, sir.

Q Are you sure?

A Yes, sir. A little bit.

Q Now, could you tell the Ladies and Gentlemen of the Jury, Mr. Ramsey asked you every time that he had sex he put his penis inside your vagina at the branch where you were standing up. Do you remember him asking that question?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury did it ever occur at another location where he was not standing up?

A No, sir.

Q What about at the house?

A Well, he was standing, he was - - - I don't know how.

Q Tell us at the house how the sex occurred at the house, the trailer; was that standing up or on something?

A On something.

Q What? Tell the Jury.

A The bed.

Q Once again, did you lay completely down and he get on top of you or were you on the bed and he would stand at the foot of the bed or the front of the bed?

A Front of the bed.

Q Once again, did he put his penis inside your vagina when you were under twelve in Henry County, at that trailer?

A Yes, sir.

Q You are sure about it?

A Yes, sir.

Q Let's talk about the other boys that you told your grandfather, you said when he was having sex with you, about they had messed with you? Is that correct?

A Correct.

Q When you told your grandfather that, would you tell the Ladies and Gentlemen of the Jury, that night, the next day, you went home and saw your mother,

didn't you?

A Yes, sir.

Q And, many days went by and you came and visited with your grandfather and your grandmother and your mother came to the house and saw you and picked you up? Correct?

A Correct.

Q Now, can you tell me when your grandfather promised not to tell, you asked him not to tell, right?

A Right.

Q Who was older, you or your grandfather?

A My grandfather.

MR. RAMSEY: Judge, we will stipulate -- Mr. Valeska keeps asking these questions he's older, he's bigger, he's stronger, and we will stipulate.

THE COURT: Overruled.

MR. VALESKA: Thank you.

BY MR. VALESKA:

Q Would you tell the Ladies and Gentlemen of the Jury when you told your granny that he had touched you, did she believe you?

A No, sir.

Q Did you tell your mother that he had touched you?

A No.

Q Did you tell your father that your grandfather had touched you?

A No, sir.

Q Let me ask you this, if I could? You told the Jury, under oath, these other boys that messed with you, were they adults or juveniles, children?

A Children.

Q Now, would you tell the Ladies and Gentlemen of the Jury the time that your mother, this lady right here, or your father came to get you, in your presence, when you were there and this man right over here, B. C. Money that I am pointing out was with you and them, at one time did he ever tell your parents anything about what Mr. Ramsey just asked you about you talking about sex? Did he do that?

A No, sir.

Q At any time when you were with your mother and father and that man right over there or your grandmother when they came to pick you up and you were all together, at any time did B. C. Money ever tell your mother or father, in your presence,

what Mr. Ramsey asked you that he said you were talking about sex or someone was messing with you? Did he ever do that?

A No, sir.

Q When you went to your grandfather's to visit or your grandmother's to play, spend the night, to be down there, who was responsible for looking out for you and protecting you?

A My granny and my grandfather.

Q Now, let me ask you this, if I could? Do you recall Amanda ever coming back, getting off of that school bus and going to your grandfather's house, the best that you can remember, ever after that time, what occurred in the pig barn, hog barn, shed, ever again?

A No, sir.

Q Now, where was it when your grandfather touched you? What location on your body, with his hand on your private part, where was that?

A I don't remember.

Q Was it at the house, the branch, was it in Henry County?

A Yes, sir.

Q Was that before any sexual intercourse, any putting of his penis in your vagina?

A No, sir.

Q Now, let's talk about the whipping your grandfather gave you. Did your mother come to pick you up?

A Yes, sir.

Q Did you tell her that he had whipped you?

A Yes, sir.

Q Did you point out the marks on your body?

A Yes.

Q Did your mother, not what was said, but did she have a conversation with you or to your grandfather then or the next day when she took you back down there?

A Yes, sir.

Q Did he ever whip you again?

A No, sir.

Q Now, I want to ask you if that box Mr. Ramsey asked about when those magazines were taken out of the box, did you ever pull the chain that caused the box to fall down on granddad's head and bruise his skin or cut him in any way?

A No, sir.

Q I want you to tell the Jury, one final question; it has been a long time since all this occurred? Is that correct?

A Right.

Q Can you tell the Jury that day down at the hog barn, the day that Amanda was with you, Amber; once again, you told us I want to ask you one last time, do you remember what kind of clothing you had on?

A No, sir.

Q One final question. I'm sorry. Look at this Jury and tell them are you saying your grandfather did these things sexually to you, that he raped you on these four occasions and touched you, sexual abuse, touched you, are you saying that he did that, are you making it up because he whipped you one time or because it really happened?

A Because it really happened.

Q One final question. When you were asked about these other boys that had done something to you, these juveniles, did you tell what they had done to you then? When you asked about that, did you tell what they did to you, also?

A Yes, sir.

MR. VALESKA: That is all.

THE COURT: Mr. Ramsey?

MR. RAMSEY: Nothing further.

MR. VALESKA: May she step down?

THE COURT: Okay.

(Witness excused.)

MR. VALESKA: I need Clyde Hornsby please,  
Sheriff. This will be my last witness,  
Your Honor.

Thereupon,

CLYDE HORNSBY

was recalled as a witness in behalf of the State of Alabama, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. VALESKA:

- Q Tell us your name.  
A Clyde Hornsby.  
Q Where do you work?  
A Henry County Sheriff's Department.  
Q What position do you work in with them?  
A Investigator.  
Q Did you work the cases of the State of Alabama

Versus B. C. Money, Sr., the man I am pointing to over here in the brown suit? (Indicating toward the Defendant.)

A Yes.

Q Did you interview Amanda?

A Yes.

Q Did you interview Amber?

A Yes, sir. I did.

Q How many times did you talk to them, in your best recollection; interview them or talk to them?

A I talked to Amber twice and Amanda Hadden, part of the time she was upset and the DHR worker more or less did that interview.

Q Okay. And, do you know Beth Rushing and did she talk to them also?

A Beth Rushing talked to Amber Money and this other DHR worker - - -

Q Was there another DHR worker?

A Right. She talked to Amanda Hadden.

Q Now, would you tell us, Investigator Hornsby, when you talked - - - you were present and talked to Amber as well as the partial discussion or talking with Amanda and the first time did she carry on a conversation like I am asking you questions right

now?

A Amber, she did real well talking to me and was more open. But, she was upset, but still open with me.

Q All right. What about Amanda?

A Amanda was extremely upset and she sat in the DHR worker's lap. She was extremely upset and crying.

Q Would you tell us when you talked to Amanda or tried to talk to her originally, you and Beth Rushing, did you leave the room?

A Yes, sir. I did.

Q Did she conduct the interview?

A It wasn't Beth, it was the other worker.

Q Okay. Just for the Record, the other workers, were they male or female?

A Female.

Q Now, I want you to tell the Ladies and Gentlemen of the Jury have you interviewed hundreds of children of allegations of sexual abuse, sodomy, rape? Excuse me, not sodomy, but rape and sexual abuse?

A Yes, sir.

Q Are children easy to talk to about those things?

A Most of them it is real hard.

Q Would you tell the Jury as an investigator investigating many, many of those children, do they write down or keep specific dates when the

sexual acts are committed against them?

A No. It is hard to get a time period with a kid.

Q Would you tell in this case, Amanda and Amber, both under twelve years of age at the time of your interview?

A Excuse me?

Q Were they under twelve years of age?

A Yes, sir.

Q As a matter of fact, they were under ten when you interviewed them, weren't they?

A Yes, sir.

Q In fact, they were under nine, weren't they?

A Yes, sir.

Q Now, would you tell the Ladies and Gentlemen of the Jury, you recorded their interviews? Right?

A Yes, sir.

Q You wrote down everything they said?

A Recorded it and transcribed.

Q The Department of Human Resources made reports?

A Yes, sir.

Q You made those reports and furnished them to the District Attorney?

A Yes, sir.

Q What is my file and my policy on discovery for the defense?

COURT OF CRIMINAL APPEALS NO. 95-0268

## APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF HENRY COUNTY, ALABAMA

CIRCUIT COURT NO. CC-94-065 thru CC-94-070

CIRCUIT JUDGE LAWSON LITTLE

Type of Conviction / Order Appealed From: Rape 1st on CC-94-065, 066, 067, &amp; 069

Sexual Abuse on CC-94-068 &amp; 070

Sentence Imposed: 99 yrs on CC-94-065; 99 yrs on 066; 99 yrs on 067; 99 yrs on 069;

Defendant Indigent:  YES  NO 10 yrs on CC-94-068; 10 yrs on CC-94-070

B. C. MONEY

William Christian Maddox	334 793-6493	NAME OF APPELLANT
(Appellant's Attorney)	(Telephone No.)	
P. O. Box 738		
(Address)		
Dothan	AL	36302
(City)	(State)	(Zip Code)

V.

## STATE OF ALABAMA

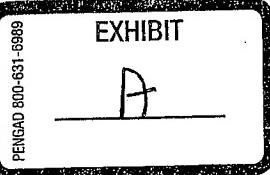
(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter name and address of municipal attorney below.

NAME OF APPELLEE

(For Court of Criminal Appeals Use Only)

EXHIBIT



A It is open.

Q Give them everything we have? Correct?

A Yes, sir.

Q And, would you tell the Ladies and Gentlemen of the Jury, did you sign the warrants ~~in~~ this case?

A I believe I did.

Q I understand. I want you to refresh your recollection and look and see -- - Here is what I want to ask you. Look on the warrant where you signed where you were working the case of the State Versus B. C. Money, Sr., was a time frame put on those warrants as to the time range when the alleged, at that time, now the Indictment, the Rape Charges and the Sexual Abuse Charges, was that made known to Mr. B. C. Money, Sr., when he was arrested?

A I don't think the exact time period was known. It was a wide time period.

Q Look at the warrants, if you have got them.

A Yes, sir. They should be here. (Witness refers to his records.) One was in October -

Q When you say one, I want you to tell me the Defendant, the charge, who signed it, when the allegation time frame, what was the offense.

A Okay, sir. This is signed by myself and the

charge was Rape, First Degree.

Q Who was the victim?

A The victim was Amber Money.

Q Okay.

A From October through December 31, 1993.

Q When was that in relation to, Mr. Hornsby? Tell the Jury what that time frame is?

A That is during the time frame one of the rapes occurred.

Q So, when the Defendant was arrested, he was given a time frame, like you said, from October to December on Rape, First Degree Charge when you signed the warrant on probable cause, per the victim, when one of the rapes occurred? Is that correct?

A Yes, sir.

Q So, it was not too or three years ago, date unknown, time unknown?

A No.

Q The other warrants, I don't want to go through all of them, but don't they list specifically a time frame and a month or two of the year when these alleged, at that time, when they were signed, the alleged rapes and sexual abuse, they were signed? Correct?

A Yes, sir.

Q So, the Defendant was given a time?

A Yes.

Q Now, could you tell the Ladies and Gentlemen of the Jury you interviewed both girls? Correct?

A Yes, sir.

Q Did any of the girls tell you about anything physical, like paper items that B. C. Money, Sr. showed them at any time?

A Yes, sir. Some books.

Q What kind of books?

A With nude males and females in it.

Q Doing what?

A I believe it was Amber said one of the males was trying to stick his penis into a female. Also, some cards.

Q Did Amber or Amanda give you a location, specifically, as to where those items were, where they had seen them?

A Yes, sir. The cards were in the house in the bedroom and the books were in, out by the barn.

Q Cards? What kind of cards?

A Playing cards with nude females on the front, sir.

Q And, would you tell the Ladies and Gentlemen of the Jury, did Amanda tell you about the cards?

A Yes, sir.

Q Or, was it Amber?

A Amber Money, I get them confused.

Q I understand. Did Amber and/or Amanda tell you about the magazines?

A Yes, sir.

Q Which one or both?

A I believe both told me.

Q Did they tell you about the location, where they had seen them or where they were shown the pictures?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury, did Amber Money tell you there was any other physical evidence in relationship to her grandfather showing her anything else in relationship to a sexual nature? Any other physical evidence that you went and looked for and checked for?

A The two books, the cards, and also in the barn, there was some roofing material.

Q Anything else, Investigator Hornsby, that you can recall?

A (Witness referring to his records.)

Q Let me ask you this. You have worked a lot of

cases since then?

A Yes, sir.

Q You have worked a lot of rape, sodomy, sexual abuse cases with children and adult females? Is that correct?

A Yes.

Q Can you remember everything and be sure about everything that these girls told you about the physical evidence?

A No, sir.

Q Let me refresh your memory, if I could. Was there a VCR movie that the girls told you about?

A Yes, sir.

Q Who was that?

A Amber Money told me about it. It was called Screwballs.

Q And, at my request, did you go to Columbia in relationship to whether B. C. Money, Sr. ever rented the movie Screwballs?

A Yes, sir.

Q You did document that and find out, if you did?

A Yes, sir. He had rented it.

Q Where did he rent it from?

A Columbia Movie Rentals in Columbia.

Q Now, then did you also at our request get a copy

[REDACTED] of that movie?

A Yes, sir.

Q And, is there - - - never mind. I will withdraw that. Would you tell the Ladies and Gentlemen of the Jury based on what the little girls told you, about the physical evidence, did you then go and obtain or get a search warrant from the District Judge in Henry County or a circuit judge in Henry County?

A District Judge.

Q Who did that?

A Charles Woodham.

Q The honorable Charles Woodham?

A Yes, sir.

Q Did you give the information that you had about what the little girls told you about looking for any physical evidence to corroborate or back up what they said occurred?

A Yes, sir.

Q Did you get the search warrant?

A Yes.

Q When you got the search warrant from Judge Woodham, where did you execute that, whose residence?

A B. C. Money, Sr.

Q Is he in the Court Room?

A Yes, sir.

Q Point him out.

A Over there in the brown suit. (Witness indicating toward the Defendant as requested.)

MR. VALESKA: Let the Record reflect that he has pointed out the Defendant.

BY MR. VALESKA:

Q What did you find at Mr. B. C. Money, Sr.'s residence?

A Inside the residence was two sets of cards.

Q Let me show you, if I could, State's Exhibit Number 4, two items placed in front of you. The top was torn by me out in the Court Room. What are those? (Produces the exhibit in question for examination.)

A Two decks of cards that I seized.

Q For the first card that you hold in your hand, what does it say on the outside?

A Lips.

Q So, what does it say on the yellow?

A Taste me.

Q Where was that found?

A In the top drawer, chest of drawers in Mr. B. C. Money's bedroom.

Q Place that one over here on the left and pick up the other cards. What are those?

A Playing cards with partially clothed or nude females on it.

Q Okay. Put that one down and let me ask you the one that says taste me and lips, does it show pictures of, that I am showing you, of women showing their private parts; their breasts, their vaginas, on the bed, with a hose on, things like that in those cards?

A Yes, sir. It does.

Q Based on what Amber told you, did you find those at his residence at Henry County?

A Yes, I did.

Q Pursuant to what both Amber and Amanda told you, did you go looking on any other property belonging to any other Money not related to B. C. Money, Sr.?

A Yes, sir.

Q Whose property did you go on?

A It is another man, another son, that joins the property in the back.

Q Can you tell the Ladies and Gentlemen of the Jury when you went to that property, what object,

items, physical things around, did you go through on that property? Describe that.

A I went to a barn and also removed two magazines from the red tool box.

Q Now, let's go back, if we could; you say that you went to a barn and you mentioned that the little girls had told you about physical items, they testified about some shingles.

A Yes, sir.

Q Did you find those shingles?

A Yes, I did.

Q Where did you find them?

A In a stall on the far end of the hog barn where they told me they would be.

Q Were the shingles all stacked up in a neat little pile?

A They were laying on the ground, just inside the door, just a little pile.

Q You took pictures of those?

A Yes, sir.

Q How did you get to that location? Why did you know in all of Henry County, with all of the farmers that we have to go to that location?

A Amber Money told me where it was at.

Q Let me show you some pictures. I want to make

sure that they are in. State's Exhibit Number 8 -- no, State's Exhibit Number 8 for identification purposes, what is Exhibit 8?

(Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) It is roofing materials, shingles.

Q Did you take that picture?

A Yes, I did.

Q Appear to be marked, altered, changed in any way?

A No, sir.

Q Here in Henry County?

A Yes, sir. It is.

Q How far is this house where the shingles were in close proximity, if any, to B. C. Money, Sr.'s trailer?

A Well --

Q Use something as you are sitting right here. Look out toward that window if you can see outside this Court House --

A I would say approximately to the other side of the street, maybe a couple of hundred meters or so.

MR. VALESKA: I offer State's Exhibit Number 8

in evidence.

MR. RAMSEY: No objections.

THE COURT: Let it be admitted.

(Thereupon, State's Exhibit Number 8 was received in evidence. After that, the following proceedings were had, to-wit:)

BY MR. VALESKA:

Q State's Exhibit Number 7, which is in evidence, what is Number 7? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) That is the hog barn.

Q Okay. Based on what they told you, is that where you went?

A Yes, it is.

Q Went inside and took the pictures in Exhibit 8? Is that correct?

A Yes, sir.

Q State's Exhibit Number 11, which is in evidence, what is Exhibit 11? (Produces the exhibit in

question for examination.)

A (Witness studies the exhibit in question as requested.) Just another view of the hog barn.

Q State's Exhibit Number 6? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Also the hog barn.

Q State's Exhibit Number 5, which is in evidence. (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) The roofing material in stacks.

Q Then State's Exhibit Number 10, over here, if I could show you - - - State's Exhibit 10 - - - (Holding the Exhibit in question.)

A (Witness studies the exhibit in question as requested.) That is one of the pieces of roofing material that I removed off of the top of the stack in the hog barn.

Q Did you collect that for physical evidence?

A Yes, I did.

Q Let me show you State's Exhibit Number 3, which is in evidence and Number 9, which is marked for identification purposes and not in. Number 3 is in and Exhibit 9 is not at this point. Tell me

what Exhibit 3 is, first of all. (Produces the exhibits in question for examination.)

A (Witness studies the exhibits in question as requested.) This is the tool box where the two magazines were seized from.

Q And, Number 9?

A This is a different view of the barn and the tool box.

Q Does it show any other items around the tool box as to what that area was as compared to the hog barn?

A There are pens around here.

Q Is that the way it looked when you took the pictures?

A Yes, sir.

Q Marked, altered, changed in any way on Exhibit 9?

A No.

MR. VALESKA: I offer Number 9.

MR. RAMSEY: No objections, for what it is worth.

THE COURT: Let it be admitted.

(Thereupon, State's  
Exhibit Number 9 was

received in evidence.

After that, the following proceedings were had,  
to-wit:)

MR. VALESKA: Could I have one second,  
judge?

THE COURT: Yes, sir.

BY MR. VALESKA:

Q State's Exhibit Number 4, the cards, do they appear to be marked, altered, changed in any way from the time that you took those into your custody?

A No.

Q All right. Except for the Court's number and the top part being torn off?

A Yes, sir.

MR. VALESKA: I offer Exhibit Number 4 in evidence.

THE COURT: Okay. Any objection to that?

MR. RAMSEY: I thought they were already in.

THE COURT: Let it be admitted.

BY MR. VALESKA:

Q Let's talk about the red box. Can you tell the Jury when you went to where the red box was, was it locked or unlocked?

A Locked.

Q Did you have a search warrant?

A I had a consent search.

Q From who?

A Mrs. Money.

Q Is that the Mrs. Money that is married to B. C. Money, Sr.?

A No, sir. Not the same one that is sitting here.

Q Is that Tommy Lee Money's wife?

A Yes. I guess it is.

Q Not this Mrs. Money?

A The other Patricia Money. The one that owned the land.

Q I understand. Was that red box on the property of B. C. Money, Sr.?

A No, sir. I was told it was on their property.

Q Now, how did you gain access to the box?

A We broke into it.

Q How did you break into that box?

A I believe we used a crow bar.

Q Was it locked when you got there?

A Yes, sir. It was locked.

Q Once again, what were you looking for inside that red box?

A Magazines.

Q Can you tell the Ladies and Gentlemen of the Jury when you went looking for those magazines?

A I would have to look back.

Q Just your best judgement. Was it after you signed the warrants or before, within a day or two or just give us a date on the first warrant.

A I believe it was the next day or a day or two after the search warrant.

Q That would be on or about June of '94?

A Yes, sir.

Q When you forced the lock and got into the box and took the pictures, what did you find inside?

A All kinds of dog collars, stuff like that, and two magazines that are laying there on the table.

Q These two, State's Exhibit Number 1, the two magazines? If I am wrong, you tell me, Mr. Hornsby; Swank on the outside is the brand. Entertainment strictly for adults only, is that what it says?

A Yes.

[ ]

Q Have you looked through these as a part of the evidence in this case?

A Yes.

Q Can you tell this Jury in those two magazines entered in evidence, are there pictures of females or males having sexual intercourse?

MR. RAMSEY: Judge, at this point, I know that Mr. Valeska is doing this for show, but the Jury has already seen those magazines and I think they know what it is.

MR. VALESKA: I object to his comment about a show. I have a right to illicit the evidence and - - -

THE COURT: He is identifying what he found and I will allow it. Overruled.

THE WITNESS: Yes, sir. A male and female on the center of the magazine with the male with an erect penis and - - -

BY MR. VALESKA:

Q What about the other magazine; same thing, other details of private parts of males and females in

that magazine? Would you tell us?

A Yes, sir. One male performing oral sex on a female and also basically the same thing as in the other magazine.

Q Now, would you tell us, Investigator Hornsby, are you familiar as a part of the investigation as to whether or not that Amber Money and Amanda Hadden, at the request of Human Resources, were seen or examined by Dr. Ted Williams in Dothan?

A Yes, sir. They were seen by a doctor, I don't know who it was. The Department of Human Resources handled that part of the investigation.

MR. VALESKA: That is all I have. Pass the witness. Thank you, Investigator Hornsby.

THE COURT: Mr. Ramsey.

MR. RAMSEY: Thank you, judge.

CROSS EXAMINATION

BY MR. RAMSEY:

Q Clyde, do you know who owned that box?

A The box itself? I don't know. No, sir.

Q Never found that out, did you?

A Pardon?

Q You never really found that out, did you?

A No, sir.

Q You don't know if B. C. owned it?

A He told me he had a key to it. I don't know if he owned it or not.

Q Who brought Amber and Amanda to see you or where did you first talk to them?

A (No response.)

Q How did that come about?

A It was late at night when I first got the complaint and since the age of the children was young, we interviewed them the following morning. And, I don't recall how -- I assume their mother did.

Q You don't remember?

A No, sir. I don't.

Q Do you recall who you received the complaint from?

A Deputy Culpepper is the one that notified me.

Q With the Henry County Sheriff's Department?

A Yes, sir.

Q And, you don't know how Deputy Culpepper was aware of this, do you?

A I guess somebody called the police department, evidently, and they dispatched him.

Q Okay. They called and do you recall what night it was?

A It was on June the 8th. I believe it was June the 8th. Let me look on the records.  
(Witness referring to his records.) June 6. That is when I received the complaint.

Q Okay. And then you went and signed the warrant on June 8, didn't you?

A I will have to look at the date.

Q I have got it right here, if you want to see it.

A Yes, sir. Save me the time digging through the file.

Q (Produces the document in question for examination.)

A (Witness refers to the document in question.)

Q Looks like they are dated.

A Here is one dated 6-8-94, 6-9-94, 6-8-94, 6-8-94, 6-8-94.

Q All but one are dated the 8th and one is not?

A Yes, sir.

Q The one that is dated the 9th is Amanda Hadden.  
Does that appear to be correct?

A Yes, sir. Amanda Hadden.

Q And, that would be probably because -- -- did you talk to Amber and Amanda at the same time or do you remember?

A I don't remember which one was interviewed first, but I can look back at the taped transcripts and give you the time and date.

Q Well, do you have any explanation as to why Amanda, and it is not a big deal, but why Amanda's warrant would be dated the 9th and all of Amber's on the 8th?

A No, sir. I don't know. I don't recall.

Q Would that indicate that maybe you talked to them on separate occasions?

A I don't recall. But, I can look back and tell you the exact dates and times they was interviewed.

Q If you would, please?

A Okay. (Witness refers to his records.) Amanda was interviewed on June 8 at 11:01. Let's see -- -- okay. Amanda was June 8 at 11:00 and let's see -- --

MR. RAMSEY: While we are waiting, mark those please, separately.

(Thereupon, Defendant's

Exhibit Numbers 1 through 6  
were marked for identification  
by the Court Reporter.

After that, the following  
proceedings were had,  
to-wit:)

THE WITNESS: She was interviewed, both were  
interviewed on June 8.

BY MR. RAMSEY:

Q Both were interviewed on the 8th?

A Yes, sir.

Q Interviewed together or separate?

A Separate.

Q This was June 8, '94? Is that correct?

A Yes, sir.

Q Not this year?

A '94.

Q Now, at that time, both Amber and Amanda told  
you about certain events that they alleged that  
Amber's grandfather did to them? Is that correct?

A That is correct.

Q Now, how many instances did Amanda tell you about?

A I believe it was only one Amanda told.

Q Only one?

A At the barn. Yes, sir.

Q And, in fact, this is the warrant on which Amanda was -- excuse me, on which B. C. Money was arrested, alleging that he had sexually abused Amanda? Is that correct?

A Yes, sir.

Q That is the only count we have, to your knowledge, today, against B. C. Money regarding Amanda Hadden?

A Only one occasion, for Amanda Hadden.

Q That is what I am talking about. Now, does that warrant allege any specific time that this incident supposedly occurred?

A Between September of 1993 and December of 1993.

Q September of '93 and December of '93?

A Yes, sir.

Q All right. Now, why is that? Why is September of '93 and December of '93 in that warrant? You put that in there, didn't you?

A Let me look at her file and I will tell you the date here. (Witness refers to his records.) Yes, sir. That is the time period that she more or less indicated.

Q That is what I am getting at. You put that in

there, because that is what you were told by Amanda Hadden, at the time that you interviewed her on July 8, 1994? Is that correct?

A Yes, sir.

Q Now, did she just automatically know that time frame or was that time period narrowed down because of the questions that you asked?

A Because of the questions, a child can't really give you a date.

Q She didn't remember anything about anything when you first started asking? I mean - - - strike that. That is not a proper question. She didn't remember specific details about this incident when you started questioning her?

A The DHR worker started interviewing her and she was crying and she told her the details.

Q Was she calmed down by the time that you talked to her, a little bit?

A Yes, sir. A little bit.

Q Was it the same day?

A I believe the DHR worker talked to her prior to me.

Q Within a day or so?

A Yes, sir.

Q Where do you recall talking to her?

A At the office here on the second floor.

Q Here in the sheriff's office or the District Attorney's Office?

A She was at the sheriff's office.

Q And, she told you that some time between September and December of 1993, that B. C. Money sexually abused her?

A Yes, sir.

Q Did she describe in any detail the incident itself?

A I will have to look back on my thing and read to you what she said.

Q Okay. I want you to do that, if you would, please, sir. I know it is time consuming, but I want to do that.

A (Witness refers to his records.) Beth Rushing asked her what Mr. Money had done. And, she told her that he pulled her pants down. And then, Beth Rushing was questioning and it goes on.

MR. VALESKA: I want to object at this point. He has answered somewhat and I have no problem, but is this the interview that he was present with?

THE WITNESS: Part of it.

MR. VALESKA: Go ahead... Go ahead.

THE WITNESS: I left at that point.

MR. VALESKA: Go ahead and tell him. I  
don't mind.

THE WITNESS: I am not in the room during  
this questioning, right here.

BY MR. RAMSEY:

Q Did she say what Mr. Money specifically did to  
her?

A It is a long statement, let me pick through it  
here.

Q Okay.

A (Witness referring to his records.) It says:  
He pulled down his underwear and tried to  
get on top of me and Amber.

Then Beth starts asking a question:

Were y'all standing up or what?

And, Amanda said:

Lying down.

She asked was she lying on the floor; was it  
like dirt or wood? And she said:

There was some black stuff out there and  
we got some of that and laid it down.

(Question.) Like plastic, you mean?

(Answer.) No. That stuff that you put on top of houses.

Then she said she was lying on her back. Then Beth asked her:

Where did Mr. Money touch her?

And then she said:

Hand.

(Question.) Where?

(Answer.) Right here.

(Question.) Show me.

Then Beth said:

Between your legs? Is that where you are pointing?

And, Amanda answered:

My private part.

(Question.) Tried to put his hand in your private part?

And, Amanda said:

His finger.

She said that he rubbed her and said he showed her his private part.

Q Does it say whether or not B. C. Money pulled his pants down?

A Yes, it did.

Q Does she indicate that he did?

A Yes, sir. She did.

Q Now, she said that - - -

A It continues on here.

Q Okay. Go ahead.

A She asked her about the shape of his penis and she told the shape. I think she showed her ink pen and it was shaped like that. She asked her what color it was and she said:

Same color of your skin.

Q Did she - - -

A Wait a minute. I will finish up here.

Q Does she say whether or not Amanda was there?

A Amber and Amanda were both present.

Q You previously read where she stated B. C. Money tried to get on top of both her and Amber? Is that correct?

A Right.

Q Okay. She said that back in June of '94? Is that right?

A '93.

Q Well, this statement was taken in June of '94.

A Let me see. Okay. The incident happened in '93 and the statement was '94. Right.

Q What I am saying is she told you this back in

June of '94 that Mr. Money had tried to get on top of both her and Amber? Is that correct?

A That is correct.

Q Now, where did you find those cards?

A Okay. In the bedroom of Mr. Money.

Q They were under a bunch of socks or underwear or some type of apparel, were they not?

A Yes, sir.

Q They were not out in the open in any shape, form, or fashion?

A No, sir.

Q Now, those magazines, there is nothing illegal about those magazines, is there?

A No, sir.

Q Do you know whether or not Swank magazine is sold in convenience stores in Henry County?

A I am not sure. I never paid no attention.

Q It wouldn't be illegal if it was?

A I believe there is regulations that they have to be behind the counter of that sort.

MR. RAMSEY: Let me introduce Exhibit 5. Do you have any objection to that?

MR. VALESKA: Those are the warrants?

MR. RAMSEY: Right.

MR. VALESKA: I have no objections.

MR. RAMSEY: I am going to have six, all six.

MR. VALESKA: Every one is fine.

MR. RAMSEY: We will go ahead and offer

Defendant's Exhibit Numbers 1 through 6,

Your Honor.

THE COURT: Let them be admitted.

(Thereupon, Defendant's  
Exhibit Numbers 1, 2, 3, 4,  
5, and 6 were received in  
evidence. After that,  
the following proceedings  
were had, to-wit:)

BY MR. RAMSEY:

Q Let me show you what has been marked and admitted  
as Defendant's Exhibit Number 1. And, I will ask  
you to tell the Ladies and Gentlemen of the Jury  
what that is. (Produces the exhibit in question  
for examination.)

A (Witness studies the exhibit in question as  
requested.) It is a complaint for Rape, First  
Degree, Amber Celest Money.

Q Okay. Does it have a date on it?

A October to December 31, '93.

Q Okay. Now, that is not quite as broad as September?

A No, sir.

Q To December of '93; can you tell us why?

A Probably the child's problem of narrowing it down to a certain month.

Q Okay. Was Amber able to narrow it down or strike out September where Amanda was not?

A I am not sure about that.

Q But, you didn't allege September '93 through December '93 in that one, did you?

A No, sir. Not that one.

Q Same thing about Exhibit 2. Tell the Ladies and Gentlemen of the Jury what that is. (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) It is Rape, First, Amber Celest Money, October to December, '93.

Q Okay. Now, I want you to look at Exhibit 3. I want you to read that to the Ladies and Gentlemen of the Jury. (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as

requested.) Okay. Rape, First, Amber Celest Money, March '94 through April '94.

Q Okay. But, go on further. Where does that allegedly occur?

A It says behind the residence of B. C. Money.

Q Says where behind the residence? Read the whole thing, Clyde. You know what I am talking about. Read the whole complaint.

A All right. (Reading from the exhibit in question as requested.)

Before me, the undersigned judge/clerk/magistrate of the District Court, Henry County, Alabama, personally appeared, being duly sworn, deposes and says that he, she has probable cause for believing and does believe that B. C. Money, Sr., whose name is otherwise unknown to the complainant, on or about March '94 through April '94, B. C. Money, Sr., a male, did engage in sexual intercourse with Amber Celest Money, a female, by forcible compulsion, at the falls located behind the residence of B. C. Money, Sr., a violation of 13A-6-61 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Q That is the falls, behind the residence?

A She talked about the fish pond or whatever, the branch.

Q All right. Now, she told you about the falls in June of '94, didn't she?

A Do you mean the date of the interview?

Q Yes, sir. The warrant is dated June 8, so I assume she told you about it before that.

A Yes, sir. That is when I interviewed her.

Q And, at that time, she specified that it happened in March or April of '94 and happened at the falls?

A I will have to read back over the statement word-for-word.

Q Okay. Is there any reason that you would doubt that is what she told you from that complaint?

A I will have to go back and compare the complaints.

Q All right. That is fine. Go back and look at your notes, if you would.

A (Witness referring to his records.)

THE COURT: Let's take about a ten minute break, at this time. If y'all would like to get a coke or something, that is fine.

(Thereupon, a recess was called and taken by the Trial Jury and all parties. Upon completion of said recess, all parties returned to the presence and hearing of the Court Room and the following proceedings were held out of the presence and hearing of said Trial Jury, to-wit:)

THE COURT: Is all of the Jury back?

THE BAILIFF: Yes, sir.

THE COURT: Okay. Bring them in.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings were held in the presence and hearing of said Trial Jury, to-wit:)

THE COURT: Go ahead, Mr. Ramsey.

MR. RAMSEY: Okay.

BY MR. RAMSEY:

Q Clyde, before we took a break, we were talking about what I showed you as Defendant's Exhibit Number 3 and that was - - -

A The date?

Q - - - the complaint alleging B. C. Money had - - - was that a rape or sexual abuse?

A Rape.

Q Had raped Amber on or about March or April of '94 at the falls?

A Yes, sir.

Q And, I asked you wouldn't that information have come from Amber at the time of the interview. And, you said that you would have to see. Have you had an occasion to see?

A I looked over it on the statement and she names the three locations as the branch, the barn, and the spare bedroom of grandmother and grandfather's house. But, I couldn't find the date.

Q So, you don't know where that came from?

A No, sir. I sure don't.

Q But, you signed that warrant?

A Yes, I did.

Q Okay. And, is it fair to say that you filled that information in there?

A I gave it to the clerk.

Q You gave it to the clerk? I am not saying that you actually typed it, but she typed in what you told her to type?

A Yes.

Q You told her that?

A Yes, sir.

Q Although you are telling me that you don't recall where it came from, but it came from somewhere?

A Yes, sir. It did.

Q Is it fair to say that that came from Amber?

A I am not sure where it came from.

Q Okay. That is fine. B. C. came in and gave a statement to you, didn't he?

A Yes, sir. He did.

Q And, you asked him about those magazines, didn't you?

A Yes, sir.

Q And, he told you, admitted that they were his, didn't he?

A Yes, sir.

Q And, he told you why he had them, didn't he?

A Yes, sir.

Q Do you recall what he told you?

MR. VALESKA: I object. I object. Let him put Mr. Money up.

MR. RAMSEY: He will take the stand. That is fine.

MR. VALESKA: I object at this point.

THE COURT: Okay. Sustained.

BY MR. RAMSEY:

Q But, he gave you an explanation as to why he had them, didn't he?

A Yes, sir.

Q Did he also -- strike that. At that time, did he deny that he had ever sexually abused or raped or in any fashion sexually molested Amber or Amanda?

MR. VALESKA: Objection. Objection. Let him put him on the stand so I can Cross Examine.

THE COURT: Sustained.

BY MR. RAMSEY:

Q You picked up what has been entered as State's Exhibit 10. That is some kind of shingle, roofing material? Is that right?

A Yes, sir.

Q You found that on the floor of the room located beside the hog barn adjacent to the hog barn?

A In the hog barn.

Q In this hog barn itself?

A Yes.

Q The room separate and aside from the hog barn?

A It is all one building, just different sections.

Q Different sections of the hog barn? Okay. Now, there has been a picture of the shingles -- - State's Exhibit Number 5. That shows them laying there on the ground? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q And, that appears to be just apparently, one sheet like that? Is that correct?

A There was several in the stack here and I just took the top sheet.

Q You took the top sheet?

A Yes, sir.

Q Is this just a stack or a pile?

A Yes, sir. That is where it was found.

Q Okay. Were any others lying on the ground, other than this one particular stack or pile?

A I recall just that one pile there.

Q Did you find any portion of the hog barn where say four or five or several of these were laid down and placed side-by-side anywhere?

A No. Just that stack.

Q Just that stack? How many would you say, do you have any idea how many of these sheets were in that stack?

A Can I see the photograph, again?

Q I think it is right here. Do you recall?

A I didn't count them. No, sir.

Q Was it several?

A Several. Yes, sir. That could be anywhere from maybe ten to twenty-five. That is just an estimate.

Q Okay.

MR. RAMSEY: That is all I have.

MR. VALESKA: Just a few questions, if I could?

REDIRECT EXAMINATION

BY MR. VALESKA:

Q Investigator Hornsby, when you talked to Amber Celest Money, how old was she?

A At that time, she was seven years old.

Q Correct me if I am wrong; once again, refresh your recollection, you took, you and Beth, took a twenty-six page typed interview from her at that time? Is that correct?

A Yes.

Q There was another supplement where you interviewed her again?

A Yes, sir.

Q Now, let's talk to you about the warrant. I won't show them to you, but to particularly the warrant you went before a magistrate in Henry County Court House, right over here, was the District Attorney's Office, myself as the District Attorney, were we present with you when you got the warrant?

A No.

Q Was Amber Celest Money, one of the victims, was she sitting here like her mother is with me now, at the time you told the magistrate what you

believe the evidence to be, the probable cause, as to what occurred when it was given to the magistrate? Was she present to tell you exactly, correct you, as to whether it was written up, typed up, at that time?

A No, sir.

Q The term falls, was that your term or her term, if you remember? The best you can, I know it has been a while.

A I believe it might have been her term.

Q Before we took the recess and went out, Mr. Ramsey asked you about the term the falls. I will ask you to go back and your response was, you said the falls or described it what other manner or fashion? What other words did you use beside falls?

A Branch.

Q Is this the branch down in that area close to the hog barn?

A Yes, sir.

Q Now, if I could, would you tell the Ladies and Gentlemen of the Jury, you have worked many cases?

A Yes.

Q You have interviewed many children?

A Yes.

Q Many female adults? Is that right?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury in this case, I'm sorry, how many investigators in the Henry County Sheriff's Office, this big county?

A One.

Q You are the only one?

A Yes.

Q There is a felony, no matter whether it is a car theft, if it is a burglary, a two hundred and fifty-one dollar shoplifting, rape, sexual abuse, you are called to investigate it?

A Yes, sir.

Q All going on at one time and there is only one of you? Is that right?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury, in this case, looking for other physical evidence, did you ask either one of the victims, Amber or Amanda, to draw a picture of the penis of B. C. Money, Sr.?

A Yes, sir.

Q Did either one of the two girls ever draw what the penis looked like of B. C. Money, Sr.?

A I remember Amber Money drawing it.

Q She drew it in your presence and you saw it?

A Yes.

Q Do you still have that picture with you?

A No. It was in the case file, but not in this case file.

Q But, you watched her draw it, did you not?

A Yes, sir. I did.

Q Now, one final question. I will ask you the time frames, investigator Hornsby, on Defendant's Exhibit Number, I believe it is 1 through 6, is that correct, Moe? On the warrants, the ones you obtained from the magistrate to arrest the Defendant, B. C. Money, Sr., the time frames September through December and March through whenever, would you tell the Ladies and Gentlemen of the Jury for Rape, First Degree against a child, is there any particular statute of limitations or a time period in relationship to months, weeks, even years, that has to be placed on a warrant to get a warrant?

A No, sir.

Q No time period if the evidence is true? Is that correct?

A That is correct.

MR. VALESKA: That is all.

THE COURT: Mr. Ramsey?

MR. RAMSEY: No, sir.

THE COURT: Anything else?

MR. VALESKA: No, sir.

THE COURT: Can he be excused?

MR. VALESKA: Yes, sir.

THE COURT: You may be excused.

(Witness excused.)

MR. VALESKA: All of the exhibits are in, right, Moe? At this time, the State of Alabama rests.

STATE RESTS

THE COURT: Okay. Ladies and Gentlemen of the Jury, at this time, there are matters that the attorneys need to take up with me and we will recess for lunch. If you will, be back at 1:30 and again, keep in mind the instructions I gave you yesterday. Do not discuss this case among yourselves, do not let anyone discuss this case with you. If you are

going home to lunch or whatever, do not discuss this case with family members and keep those particular instructions in mind. Also don't read any newspaper accounts of this particular trial. There has been, in fact this morning, reports and don't read those and don't look at any TV or radio, I don't think there has been, but in case there is, don't turn on the TV if you go home for lunch. With that, you may recess until 1:30.

(Thereupon, the Trial Jury proceeded to their lunch with the above instructions from the Court and the following proceedings were held out of the presence and hearing of the said Trial Jury, to-wit:)

THE COURT: Mr. Ramsey, do you have any motions for the Court?

MR. RAMSEY: Yes, sir.

THE COURT: Go ahead.

MR. RAMSEY: For the Record, the State of Alabama has rested and we move for a judgement of acquittal on the basis that the State failed to prove a prima facie case.

THE COURT: Okay. That motion is denied.

I believe we have Dr. Williams coming at 1:30.

MR. RAMSEY: That is my understanding. I will verify it, Your Honor.

THE COURT: I think you said you anticipate your client testifying? Is that correct?

MR. RAMSEY: I suspect to have possibly six to eight witnesses and maybe more.

THE COURT: Would these be in the nature of character witnesses?

MR. RAMSEY: Three to four will be. One rebuttal witness and Dr. Williams and Mr. and Mrs. Money.

THE COURT: Okay. Okay. Do y'all anticipate maybe finishing this case today and have Closing Argument and charge or not?

MR. VALESKA: I have got to testify in Federal Court tomorrow at 10:00 o'clock

before the Honorable Judge Myron Thompson. I don't particularly care to go to jail, so we need to go forward today.

MR. RAMSEY: We will go -- I mean, if we finish it today, we will go well into the night.

MR. VALESKA: That is fine.

MR. RAMSEY: I mean I have got, it depends on your Cross Examination.

MR. VALESKA: Judge, all I can tell you is that I will be here at your calling. But, tomorrow morning at 10:00 o'clock, I have got to be at the Federal Court House in Dothan. It is a 1987 Robbery Case that I tried with Don Grimes on a motion, a case eight years ago. I have been subpoenaed and instructed to be there. I have to be there. I have informed the Court and we can go tonight or I am telling you tomorrow, I will be on the Federal Witness Stand and it will take time. It could be two, three hours. We need to either go forward today or we will have to start

after that tomorrow. So, I think we should go ahead, if we can.

THE COURT: I agree with that. Maybe we can finish. We will see.

MR. RAMSEY: We'll see. 1:30?

THE COURT: 1:30.

(Thereupon, a recess was called and taken by all parties for lunch. Upon completion of said recess, all parties returned to the presence and hearing of the Court Room and the following proceedings were held outside the presence and hearing of the Trial Jury, to-wit:)

THE COURT: All right. Bring the Jury.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings

were held in the presence  
and hearing of said Trial  
Jury, to-wit:)

THE COURT: Mr. Ramsey, you may go ahead.

MR. RAMSEY: We will call Dr. Ted Williams  
to the stand, Your Honor.

DEFENDANT'S EVIDENCE

Thereupon,

TED A. WILLIAMS, M.D.

was called as a witness in behalf of the  
Defendant, and after having been first duly sworn  
to testify to the truth, the whole truth, and  
nothing but the truth, took the stand and testified  
as follows, to-wit:

DIRECT EXAMINATION

BY MR. RAMSEY:

Q Dr. Williams, tell the Ladies and Gentlemen of the  
Jury your name.

A Ted A. Williams.

Q What is your occupation?

A I am a Pediatrician.

Q Would you, for the benefit of the Jury, give us your educational background, please?

A Yes, sir. I have a BS in Pre-Med from Auburn University; an M. D. Degree from the University of Alabama at Birmingham. I did a Pediatric Residency at Children's Hospital of Alabama. I have been in private practice in Dothan, Southeastern Pediatrics, for almost nineteen years.

Q What is your area of practice?

A Pediatrics and Adolescent Medicine.

Q And, are you board certified?

A Yes, sir.

MR. RAMSEY: Your Honor, at this time we offer Dr. Williams to be qualified as an expert witness.

THE COURT: Any objections?

MR. VALESKA: No, sir.

THE COURT: Let him be qualified.

BY MR. RAMSEY:

Q Dr. Williams, have you had an occasion, specifically

back on June 17 of 1994, to examine both Amber Money and Amanda Hadden?

A Yes, sir. I did.

Q Okay. If we can, let's take them one at a time. First of all, let's deal with Amanda Hadden and your examination of her, if we may? I am looking at a copy - - -

MR. RAMSEY: Mark that for me as the next one.

(Thereupon, Defendant's Exhibit Number 7 was marked for identification by the Court Reporter. After that, the following proceedings were had, to-wit:)

BY MR. RAMSEY:

Q I have a report and I will ask you to look at it and see if you recognize that. (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q And, is that your signature on the second page?

A Yes, sir. It is.

Q Of this report? All right, sir. Now, if I may, I will ask you do you recall this specific examination?

A I recall the general details of the examination. I don't recall the specific details of that particular afternoon over a year ago.

Q Now, you are looking at the original of the report? Is that correct?

MR. VALESKA: I certainly have no objection to refreshing his recollection. I realize he sees thousands of children.

BY MR. RAMSEY:

Q That is what I am getting at. You are looking at the original of your report from your file? Is that correct?

A That is correct.

Q Does that refresh your recollection of this examination?

A Yes, it does.

Q All right, sir. Now, in this first paragraph, it

is a rather lengthy paragraph; you relate some of the history that Amanda is personally telling you.

Is that correct?

A That is correct.

Q Now, what basically did she tell you?

A What she told me was that initially, she didn't want to speak and that is not unusual.

Q All right.

A So, we tried to give her time to collect her thoughts, because it is somewhat intimidating to be in a doctor's office and I gave her time to talk. And, she told me that about a month before the end of school, that she had gone home with a friend, Amber, Amber Money, and they stopped at Amber's grandmother and grandfather's house to get something to eat and drink. Apparently, they had something to eat and something to drink.

Q Okay.

A And, at that time, her grandfather took them outside to a shed in the back of the property. She then related what happened in the shed. She stated, per my records, that he had put something that she described as what you put on a roof or tar paper and put it down on the floor of the shed. She then told me that he pulled her underpants

down -- pulled her pants down and then her underpants and asked her to lie down on the black paper. Again, she said this was like paper you put on a roof when you put a roof on a house.

Q Okay.

A Amanda said then that he got on top of her and tried to put his hand on her private part.

Q Let me ask you this, if I may, doctor. Now, this interview and this examination was taken on June 17 of 1994? Is that correct?

A That is correct.

Q She told you at that time that this incident happened about a month before the end of school? Is that correct?

A That is correct.

Q Now, was she talking about that same year, end of school, in the year 1994?

A That is what I was taken to understand.

Q That was your understanding of what she told you? Is that correct?

A Yes, sir.

Q Now, as a result of what she was telling you and as a result of some other things, you did an examination on Amanda? Is that correct?

A Yes, sir.

Q Now, if you will skip down to the bottom of that first page, where it says physical examination.

In the first portion of that, it is just the general examination of her body signs regarding weight, height, et cetera? Is that correct?

A That is correct.

Q Now, you also did an examination of the genitalia, did you not?

A That is correct.

Q What did that examination reveal, if anything?

A The examination revealed she had what we consider to be pre-pubital genitalia, canotate zero to one.

She had not developed any secondary sexual characteristics. When I looked at her labia, and we examined all aspects of the genitalia, there was no redness of the labia at that point.

The labia majora and minora were normal. There was no abrasion in the area, no lacerations.

The area around the urethra looked normal and I did not see any enlargement of the hymenal area.

Q Did you see any evidence, whatsoever, of sexual abuse?

A I think that sexual abuse takes different forms. I saw an intact hymen and intact normal genitalia.

Q Did you see any physical evidence of sexual abuse?

A I did not see any physical evidence of deep penetration. I saw an intact hymen and normal labia.

Q All right. Now, you also said that there was no abrasion of the labia. In layman's terms -- strike that. You stated there was no abrasion of the labia. In addition, two sentences later, you said there is no pararectal abrasion. What does that mean, in layman's terms?

A In layman's terms, there was no evidence of any irritation, redness, interruption of tissue, none of the skin had been rubbed off, no evidence of any trauma at that time to the tissue, no damage to those vaginal tissues in that area.

Q Had there been any previous penetration, would there have been any evidence of that?

A If there had been deep penetration at any point in time, then there would be changes in the hymen that we are used to looking for in a child of this age who has a virginal hymen.

Q Was there any evidence there had been any deep penetration?

A No. I did not find any.

Q Now, the last sentence you state in there that you are going to proceed with a wet prep and with

a gram stain for CG.

A GC.

Q Excuse me. GC. What is that, in layman's terms?

A Those are sexually transmitted infections.

Q Do you have the result of those tests?

A Yes, I do.

Q Okay. Were they negative?

A They were negative.

Q All right. Now, let's move on, if we can, to the report on Miss Amber Money. And there again, apparently, you had a conversation with Amber on June 17 of 1994? Is that correct?

A That is correct.

Q And, that was in your office? Is that correct?

A That is correct.

Q Now, tell the Ladies and Gentlemen of the Jury, if you will, basically what Amber told you, at that time?

A Well, I asked Amber what she had come in to today, what she was there for. And, she said that she was there on that day, because her granddaddy tried to have sex with her. I try to relate exactly what they tell me. I asked her to describe the situation where this occurred. She stated that the first time it happened was before the past

November that was in question. She stated she was laying in a hammock on the front porch of his house where she apparently visited often. He asked her to come over to the hammock and he took his pants down. She said that he tried to put his private part in her private part. I asked her at that time if she felt any pain or discomfort and she said she did not. She stated that she told him not to do it and he apparently walked away. She then stated that a second episode happened a few months later. She stated that she was down at the branch, which she indicated was a creek that ran behind the grandparent's property. She stated that he took down his pants and underpants and took down her pants and tried to put his private part into hers while they were both standing up. The third episode that she related to me occurred while she was staying with the grandparents. She stated that the grandmother left and that he took her in a small room and again took his pants and underwear down and took her pants and underwear down. She stated that while he was sitting on the bed, he had her come stand next to him and again tried to put his private part into hers.

Q Was Amber reluctant to talk to you in the

beginning?

A Initially.

Q Did she loosen up somewhat?

A She did.

Q And, the first occasion she told you about, as you have already testified to and as is stated in your report, is, according to your report, sometime before the past November and that would have been November of '93. Is that your understanding?

A That would be my understanding.

Q And then, that happened while Mr. B. C. Money was lying in the hammock on the front porch of the house? Is that correct?

A She identified him as granddaddy.

Q Granddaddy? If I told you that is B. C. Money - - -

A She said granddaddy.

Q Granddaddy was lying in the hammock on the front porch of the house? Is that correct?

A She said he was lying in the hammock. Yes, sir.

Q Is that where she told you that the sexual relations or whatever occurred?

A That is apparently where he was. Yes.

Q Now, as a result of these allegations and as a result of your discussions with Amber, did you do a physical examination?

A Yes, sir.

Q Was that basically the same-type physical exam as you performed on Amanda Hadden?

A Exactly.

Q Exactly the same examination?

A As far as procedure, yes, sir.

Q Was there any, in your diagnosis, so to speak, did you find anything different from the results of her exam?

A Her examination, as noted on the record, again revealed normal external genitalia, normal internal genitalia.

Q And, there again, there was no or was there any evidence, physical evidence of any type of sexual contact or abuse?

A There was no evidence of any change or abrasion as we discussed before, to the labia and no evidence of any interruption of the hymen; which is the entrance to the vaginal area.

Q Was there any redness?

A None.

Q Now, the last sentence in this report, you state neurologic is appropriate. In layman's terms, what does that mean?

A That is part of the complete exam. I also did a

neurologic examination on her on the motor, sensory, and cerebellum function; that the brain and nerve functions were normal. That was just part of a complete physical examination of a child and had nothing to do with the genitalia exam.

Q You also did a wet test and gram test on her?

A Yes.

Q And, were the results of those tests also negative?

A That is correct.

Q All right.

MR. RAMSEY: Mark that as Number 8.

(Thereupon, Defendant's Exhibit Number 8 was marked for identification by the Court Reporter. After that, the following proceedings were had, to-wit:)

BY MR. RAMSEY:

Q Doctor, I will ask you to look at what has been

marked as Defendant's Exhibit 8 and ask you if that is a true and correct copy of the original that you have in your file there? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) Yes, sir.

Q Appear to be altered or changed in any way?

A No, sir. I don't see any changes.

Q Likewise, I didn't ask you about Defendant's Exhibit 7, but does it appear to be altered substantially in any way from the original that you have in your file?

A (Witness refers to the exhibit in question as requested.) No, sir. Does not.

MR. RAMSEY: Judge, with that predicate laid, we offer copies of Dr. Williams' reports as Defendant's Exhibit Numbers 7 and 8 in lieu of the originals.

MR. VALESKA: That is on Amanda Hadden, both pages, and Amber?

THE WITNESS: Correct.

MR. VALESKA: No objection.

THE COURT: Let it be admitted.

(Thereupon, Defendant's Exhibit Numbers 7 and 8 were received in evidence. After that, the following proceedings were had, to-wit:)

MR. RAMSEY: That is all I have. Thank you, doctor.

MR. VALESKA: I have just a few questions, if I could please, Dr. Williams?

CROSS EXAMINATION

BY MR. VALESKA:

Q Let's just go ahead and do Amber's since we were doing her last and you have the report in front of you.

A Okay.

Q Dr. Williams, can you tell in the report, Amber also told you that she didn't tell anyone until this past Tuesday, which was election day, as you indicate? Is that correct?

A That is the way I remember it and that is the way

it is written. Yes, sir.

Q Doctor, you have seen thousands and thousands of children with alleged rape and sexual abuse and when you do examinations and take the histories and do an impression just like this? Is that correct?

A I don't know the exact number, but innumerable.

Q Many. Many. Would that be fair to say?

A Yes.

Q Dr. Williams, would you tell the Ladies and Gentlemen of the Jury, you have an opinion that is it not consistent that most times when children are raped or sexually abused, they don't yell and tell right away, do they?

A That has been my impression. Yes, sir.

MR. RAMSEY: Judge, at this point, until he can be qualified as an expert in child psychology, I don't know that he is qualified to - - -

MR. VALESKA: I will go on to another question. That is all I will ask.

THE COURT: First of all, it was asked and answered with no objection. And second, I think he is qualified to state that,

so overruled.

BY MR. VALESKA:

Q Dr. Williams, would you tell us that Amber did, you found out in taking the history and the report that she finally told a thirteen year old cousin and then told her mother and notified DHR the following day about the grandfather? Is that correct?

A That is how I understand it. Yes, sir.

Q Let me ask you, if I could, when you examined Amber and you did the physical exam on June 17, 1994, she was seven and a half years old? Is that correct?

A Yes. That is correct.

Q Fifty-five pounds is what she weighed at that point? Is that correct?

A Correct.

Q Now, could you tell the Ladies and Gentlemen of the Jury, I want to go back to the time you did the examination on her, when you looked at her vaginal area. Did she lay down and you examined her -- she laid down on the table and you examined her vagina?

- A The examination was done in two positions.
- Q One was lying down?
- A On your back.
- Q Knees up?
- A Knees to the side.
- Q The second way that you did the exam would be in what position?
- A It is called the knee-chest position; over on the knees with the head down to give us better visualization of the genitalia.
- Q I want you to tell the Ladies and Gentlemen of the Jury, you indicated on Amber that you saw no redness, abrasions or lacerations of the labia? Is that correct?
- A That is correct.
- Q And, you said in the knee-chest position, the hymen appears intact?
- A Yes, sir.
- Q Now, you are not telling the Jury there could not have been penetration some time previous to that examination to Amber Money, in relationship to sexual abuse or even a slight penetration of an alleged or a rape with a male penis, are you?
- A I am not sure I understand the question completely.
- Q Okay. Let me ask it this way. As far as any

abrasions, redness, lacerations inside the vaginal area itself, correct, you saw none?

A I did not. I did not see any.

Q Hymen intact?

A Correct.

Q You are not telling the Jury it is not consistent that someone could have put their finger inside her, touched her hymen and did not tear it? That can occur, also, can it not?

A There can be penetration into the labial area without penetration of the hymen.

Q Without damaging or tearing the hymen? Is that fair to say?

A Yes.

Q There could also be penetration inside the labia, would it be consistent with your opinion that the male penis, if there was not deep penetration or just the slightest penetration without tearing the hymen?

A If there is deep penetration by a penis in through the hymen, the hymen is very, very fragile, very fragile tissue. Any penetration through that area will tear it. If you look at little girls for a number of years, as I have, you can see an intact hymen versus a hymen that is not intact. But,

there can be intrusion of a penis into the labia area without penetration through the hymen and into the vault of the vaginal area.

Q And correct me, Dr. Williams, if I am wrong, help me, the outer covering of the vaginal, the fatty tissue, the protection of the opening, what is that called? The labia?

A It starts with the mons on top and comes down to be the labia majora and on the inside we have the more minor labia, the labia minora.

Q That is all before the hymen? Is that correct?

A That is correct.

Q As we go through, if I could refer to it like a cylinder entrance to the vagina itself, if you spread the legs, open the labia up as we gain entrance into the vaginal canal?

A Correct.

Q So, in response to Mr. Ramsey asking you if there was no physical evidence of alleged sexual abuse or an alleged rape, it is your testimony that you saw no tearing of the hymen?

A I saw a normal, intact genitalia. Yes, sir.

Q Now, let me ask you this, if I could? Let's go to -- if we could, Amanda Hadden, the other report, Dr. Williams, if we could?

A Yes.

Q June of 1994, she was seven and three quarters years old? Is that correct?

A Correct.

Q You said that she weighed seventy pounds?

A Correct.

Q Now, Mr. Ramsey was asking some questions that I understand were on the report, but I want to refer to about twelve lines down where it states took them outside to a shed on the back of his property. Do you see that?

A Yes, sir.

Q Where it says Amanda says that Mr. Money took some tar paper out -- what I want you to go into on the report, she said she put his hand on her private part. Excuse me, she said that he put his hand on her private part before he got on top of her?

Correct?

A That is what she related to me.

Q That is what she related to you with Amanda, in relationship to what occurred? And, she goes on to say that she told me it hurt and doesn't know how long he stayed on top of her. Stated that her friend Amanda was there and she had to watch him. After Amanda got off, got off the top of her, that

he told both her and Amber not to tell anybody about this. Then they all left the shed and Amanda and Amber went back to the house and Amanda states that she and Amber went to Amber's home. Then it says I asked Amanda had anything like this ever happened to her before and she said it had not. She stated nothing had happened since then. And, Amanda's mother went on to tell you that when this episode became known, Amber told an older friend who was thirteen about this episode who related three other episodes where Mr. Money had, by history, sexually molested her? Is that correct?

A That is what she told me, yes.

Q Now, I want to go on about the physical exam and I will come back, Dr. Williams, to the history, if I could. Once again, when you examined Amanda Hadden, in reference to any injuries, there was no redness of the labia. There would have been touching, Dr. Williams, inside that would cause some redness, would that disappear over a period of time, if there was no scratching or tearing?

A Yes, sir. It would have improved.

Q Thirty, sixty, ninety, one hundred and twenty, one hundred and fifty days, that would go away?

Is that correct?

A Correct.

Q That is the tears and scratches itself? The same with any redness on the outer area of the labia itself? Correct?

A Correct.

Q Now, as far as the impressions on both cases, your impression as a physician or doctor, your treating her for medical purposes, you published in your report, it says alleged sexual abuse, on both? Is that correct?

A That was the diagnosis.

Q Do you go into specifics like Rape or Sodomy, you don't, do you?

A No, sir.

Q You do general characterizations in reference to treatment, as her doctor? Is that correct?

A That is a medical opinion, based on history and based on physical examination.

Q Now, I want to ask you, if I could, look at Defendant's Exhibit Number 7 on Amanda K. Hadden, do you have that? I will show you this, Dr. Williams, I know you have a lot of records. I will refer to where I want to ask you some questions.

A All right.

Q In the history and medical treatment and diagnosis that you took of Amanda K. Hadden, does it indicate that: (Reading from the exhibit in question.)

Miss Hadden tells me that she understood that Mr. Money's daughter was sexually abused by Mr. Money and she had admitted that at this point? Is that true?

MR. RAMSEY: Judge, judge, judge - - -

THE COURT: Just a minute.

MR. VALESKA: Can I finish my question?

THE COURT: Just a minute. Let him finish the question and then you have the objection.

BY MR. VALESKA:

Q I will go back and read it according to the report. Is it indicated in the report, Defendant's Exhibit Number 7, that has been admitted into evidence and that I had no objection to, it says, reported in your report to you, as the physician:

Miss Hadden tells me that she understood that Mr. Money's daughter was sexually abused by

Mr. Money, or at least she has admitted that to this point.

Is that not true? And, before you answer, there was an objection.

MR. RAMSEY: Are you asking him that is what it says in the report?

MR. VALESKA: That is what it says.

MR. RAMSEY: I will withdraw the objection.

THE COURT: All right.

THE WITNESS: (Studies the exhibit in question as requested.) That is what it says in the report. Yes.

MR. VALESKA: That is all. Thank you, Dr. Williams.

THE COURT: Mr. Ramsey?

MR. RAMSEY: Yes, sir.

REDIRECT EXAMINATION

BY MR. RAMSEY:

Q Dr. Williams, I want to ask you a couple of followup questions. You had occasions to examine numerous six year olds for alleged sexual

abuse, have you not?

A Yes, sir.

Q Now, can you have penetration of the labia of a six year old and, as a result, see physical evidence of that penetration?

A You can.

Q Okay. Can you not have penetration of the labia and not see physical evidence of that penetration?

A Again, I use the word intrusion, because if the penis is pushed into the labia area but does not enter into the hymen, then that can be done without causing any tear or injury to that hymenal tissue.

Q All right, sir. And, I know it is my lack of knowledge or expertise in being able to ask the question any more proficiently, but the only way I know how to do is that you answered that you can have penetration and see that? Is that correct?

A Yes, I did.

Q I am going to try to ask you and I think that it can be answered yes or no; can you not have penetration -- -- excuse me. Can you have penetration and not have physical evidence of that penetration?

A Penetration through the hymen?

Q The labia?

A You can have penetration of the labia  
and not have penetration of the hymen. Yes.

Q I understand that. Can you have penetration of  
the labia without creating some physical evidence  
of it in an eight year old?

A Yes.

Q That can be, that is possible?

A The labia part, yes, sir.

Q All right. Now, can you have penetration of both,  
as you called it, the labia majora and the labia  
minora without seeing some physical evidence?

A A yes or no answer, the answer would be no.

Q Okay. So, if there is some penetration of the  
labia majora as well as the labia minora, then  
in your professional opinion, there will be some  
physical evidence of penetration?

A At the time of penetration, yes.

MR. RAMSEY: That is all. Thank you.

MR. VALESKA: Let me ask you this, if I  
could, Dr. Williams.

RECROSS EXAMINATION

BY MR. VALESKA:

Q I would like to read to you something and ask you your opinion, based on that physical examination when you examined these little girls or other examinations that Mr. Ramsey asked you about your seeing numerous six year olds. The term sexual intercourse has its ordinary meaning and occurs upon any penetration, however slight. Now, based on that hypothetical proposed to you, would you say it is fair that there is no doubt in physical exams that you looked at those little girls when you examined them, it could have been possible penetration, however slight, inside in relationship to the labia on the outside without it tearing the hymen? Is that not true, Dr. Williams?

A Yes.

Q Dr. Williams, one final question. Would you tell the Ladies and Gentlemen of the Jury as a physician, doctor, examining children, in your opinion, would a little girl, a six year old, seven year old, eight year old, all the way up to adult female, would she be able to feel, in reference to her

vaginal area, in relationship to the labia, if there was any penetration, however slight, with a finger or penis if it went inside in any manner or fashion, the slightest bit?

A Yes, sir.

MR. VALESKA: That is all. Thank you, Dr. Williams.

THE COURT: Anything else?

MR. RAMSEY: No, sir.

MR. VALESKA: Can he be excused?

THE COURT: You may go, doctor.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Call your next witness.

MR. RAMSEY: We will call Patricia Ann Money as an adverse witness.

MR. VALESKA: He can't call her as adverse.

He hasn't proved anything as to her being adverse or untruthful.

MR. RAMSEY: Well, she is on the witness list.

MR. VALESKA: No problem as a witness.

THE COURT: I don't know if she is adverse or not. That is only an assumption, but I

can gather from the answers whether she would be.

MR. RAMSEY: All right. Well, we will call Mrs. Money to the stand.

THE COURT: Okay.

Thereupon,

PATRICIA ANN MONEY

was called as a witness in behalf of the Defendant, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. RAMSEY:

Q Tell us, for the Record, your full name please, ma'am.

A Patricia Ann Money.

Q Where do you live, Mrs. Money?

A Haleburg.

Q You are the mother of Amber Money? Is that correct?

A Yes, sir.

Q And, B. C. Money, that man sitting right there,

[redacted] is your father-in-law? Is that correct?

(Indicating toward the Defendant.)

A Yes, sir.

Q Your husband is Comer Money? Is that right?

A Yes, sir.

Q That is B. C.'s son?

A Right.

Q I will show you what is part of Defendant's Exhibit Number 4 and ask you if you have ever seen those cards before? (Produces the exhibit in question for examination.)

A (Witness studies the exhibit in question as requested.) No, sir.

Q Your testimony is that you never gave those cards to - - -

A I never gave him any cards.

Q Okay. That is fine.

MR. RAMSEY: Thank you. That is all I have.

CROSS EXAMINATION

BY MR. VALESKA:

Q Can you tell us how those cards came into the

possession of B. C. Money, Sr., that man over there in the brown suit, if you know?

A My sister-in-law's husband give them to him, Earl Robertson.

Q So, if B. C. Money, Sr. told Clyde Hornsby that you gave them to him, would that be true or untrue?

A Untrue.

Q Your daughter, Amber, been your daughter all your life?

A Yes.

Q Has she ever told you a story?

A Little fibs.

Q Did you ever spank her or discipline her?

A Oh, yeah.

Q When she told you, where were you when you found out what she said B. C. Money, Sr. had done to her?

A She had spent the night with a friend of ours and when I went to pick her up, she didn't want to come home. So, then she told us why she didn't want to go back to his house.

Q Did she say what B. C. Money, Sr. did to her?

A He tried to have sex with her.

Q Now, when she told you that, was your husband with you? Excuse me, was your husband, Comer Money,

B. C. Money, Sr.'s son, was he with you?

A He was in the house.

Q Did you go discuss it with him?

A I got him in the car and I told him what was happening.

Q And, where did you go next? Tell the Jury.

A I went to my sister-in-law's house.

Q Tell me your sister-in-law's name?

A Ruby Robertson.

Q How is Ruby Robertson related to B. C. Money, Sr.?

A His daughter.

Q Now, would you tell the Ladies and Gentlemen of the Jury did you take your daughter to see Dr. Ted Williams?

A Yes, sir.

Q Were you present, just a few minutes ago, when I read what Dr. Williams put in his report?

A Yes, sir.

Q You are the one that told him that?

A No.

Q Would you tell the Ladies and Gentlemen of the Jury where did you go next, with your daughter and husband, after you went to Ruby's?

A We called the sheriff's office up here in Henry County.

Q Who was present at the house then?

A There was Mr. B. C. Money, Sr.'s nephew, Frank.

Q B. C. Money, Sr.'s nephew, Frank who?

A Frank Money.

Q Okay. And - - -

A His brother, James Otis Money.

Q James Otis Money?

A His daughter, Ruby Robertson.

Q Okay. Anybody else?

A I think her daughter's were, Tammy and Beth.

Q Now, was James Otis Money present when there was a conversation about what had happened to your daughter by B. C. Money?

A Yes, sir.

Q Can you describe, not what he said, but how he reacted in relationship to physical movement, what he did with his body?

A He walked around and shook his head.

Q Now, let's go back. Would you tell the Ladies and Gentlemen of the Jury when your daughter related to you what B. C. Money, Sr., had done to her, did you talk to any other parents or any other children?

A I went to my sister-in-law's house Ruby Robertson and got a friend of ours to go find Vaneva.

Q Wait a minute, now, who is Vaneva?

A Vaneva, we had to go find Vaneva Hadden, Amanda's mama.

Q Did you talk with her, yourself? Yes or no?

A Yes. When she got to the house, we talked to her.

Q Was her daughter present when she told her mother what had occurred?

A Yes.

Q Were you with them?

A Yes, sir.

Q Now, would you tell the Ladies and Gentlemen of the Jury, let's go back -- would you tell the Ladies and Gentlemen of the Jury did you live on a dirt road behind B. C. Money, Sr.'s trailer on the property of Tommy Lee Money?

A Yes, sir.

Q In Henry County, Alabama? Is that correct?

A Yes, sir.

Q You heard your daughter testify in the Court Room, hog barn, shed, house with a roof; do you know what she is talking about?

A Yes, sir.

Q Would you tell the Ladies and Gentlemen of the Jury is there anything close to that on the other side of the dirt road?

A There is a pond out there.

Q Any creeks out there?

A There is a branch behind his house.

Q Would you tell the Ladies and Gentlemen of the Jury where the hog barn or shed is, is there something else between there and B. C. Money, Sr.'s trailer?

A A dog pen where he keeps his dogs.

Q Now, tell the Ladies and Gentlemen of the Jury, during the time that your daughter has testified to, as well as you heard Amanda testify during the time period we are talking about when they were six and a half, seven, eight, did you have an occasion to leave your trailer or B. C. Money, Sr.'s trailer to walk down looking for your daughter?

A Yes, sir.

Q Now, would you tell the Ladies and Gentlemen of the Jury, particularly when you walked down looking for your daughter, was anybody there visiting with her?

A When I got home from work, I stopped and asked Miss Ruby where are the young'uns.

Q Not what Miss Ruby said, but after you talked to her, where did you go?

A I went out to the hog barn.

Q When you got out to the hog barn, how many people did you see out there?

A Mr. B. C., Amanda Hadden and Amber Money.

Q Now, you say Mr. B. C., is that B. C. Money, Sr.?

A B. C. Sr., in the brown suit there. (Witness indicating toward the Defendant.)

Q And, would you tell the Ladies and Gentlemen of the Jury, where did you see him when you got out there? Where were they?

A Coming out of the hog barn.

Q Can you describe how B. C. Money, Sr., the man sitting at the table, how he looked, physically, when you saw him?

A He was sweating, he was tired.

Q What did you say to him with your daughter in his presence?

A I asked him what were they doing.

Q What did B. C. Money, Sr. say, if anything?

A He was just out there with the girls.

Q Did you go inside the hog barn then?

A No, sir.

Q Now, would you tell the Ladies and Gentlemen of the Jury what did Amanda and Amber do when they came out of the hog barn with B. C. Money, Sr.?

A They jumped on the back of the truck and rode

back to the house with him.

Q Do you remember how they were dressed at that time, the type of clothing?

A It was hot weather, because both of them had shorts on.

Q Do you recall the exact color of the shorts?

A No.

Q Do you remember the exact date, yourself?

A No.

Q Did you then go - - - where did you go next please, ma'am?

A Picked them up and went to my house.

Q Would you tell the Ladies and Gentlemen of the Jury from that point, from that day, do you have any recollection as to whether or not Amanda Hadden came regularly to visit or stay or see your daughter after school on the bus in the close proximity of B. C. Money, Sr.'s trailer?

A Not regularly. It wasn't a regular basis. She would just come to visit some times.

Q You work until what time?

A I get off at 3:30, sometimes 4:00, depends on whether I have to work over.

Q Where were you working?

A Columbia Glass.

Q Then you would leave Columbia to go where?

A If I had to stop by the store, I would stop. If not, I would go on home.

Q How much time did it take you to go from where you worked back to the trailer where you lived?

A Fifteen minutes.

Q Whose property did you and your husband have a trailer on?

A Tommy Lee Money's.

Q Is he related to B. C. Money, Sr.?

A His son.

Q Now, tell the Ladies and Gentlemen of the Jury from the time that you saw B. C. Money, Sr. at the hog barn, the shed, however you describe it, across from the pond by the dirt road; your daughter, Amber, was there and Amanda Hadden; from that point until the day that your daughter told you what occurred and you called the sheriff's department, one time, did this man, B. C. Money, Sr., ever discuss with you anything that your daughter had any type of discussions about sexual intercourse, sex, magazines, the term cum in any manner or fashion ever?

A I never heard her use that term until she told me about B. C., Sr.

Q Would you tell the Ladies and Gentlemen of the Jury, when you went to pick up your daughter and saw B. C., Sr., as well as his wife, your daughter's grandmother, did she ever discuss it with you?

A No, sir.

Q You heard your daughter testify about, and give names of other individuals who had done things, touched her sexually and you sat here and heard that? Is that correct?

A Uh-huh. (Affirmative response.)

Q Would you tell those Ladies and Gentlemen of the Jury, the individuals that she named, both boys, are they adults or juveniles?

A Juveniles.

Q Were they under sixteen years of age?

A Yes, sir.

Q Comer Money, your husband, prior to today, had your husband, to your knowledge, from your daughter or yourself, ever been told about the other episodes with the juveniles?

A No, sir.

Q Comer Money, your husband, does he work?

A Yes.

Q What does he do for a living?

A Drives a truck.

Q Would you tell the Ladies and Gentlemen of the Jury how long, your best recollection, until you moved off that property of Tommy Lee Money in the close proximity of B. C. Money, Sr.'s trailer, until you moved from that location to another location in relationship to when your daughter told you about these things that happened to her, what was the time frame?

A We moved before she told us.

Q I understand. Do you remember approximately when you moved, your best judgement?

A November of '94.

Q Until November of '94 when you moved to where?

A It is in Haleburg, about a mile down the street.

Q From November of '94 until your daughter told you in June of '94, is that correct, or you learned of it?

A Must have been '93 we moved. November of '93.

Q From that point in time, November of '93 until June of '94, did your daughter continue to go and stay after school with B. C. Money, Sr.?

A Yes, sir.

Q Let's talk about, would you tell the Jury, there was some time when you came to pick up your daughter after work, after school, did she ever

discuss with you whether B. C. Money, Sr. had ever struck her or hit her?

A She told me that he had spanked her and I seen the bruises on her leg.

Q Did you have any discussions with B. C. Money sitting over here about whether or not he was to discipline your child?

A I told him and his wife not to leave marks on my young'un. They didn't have to whup her like that.

Q Would you tell the Ladies and Gentlemen of the Jury, did your daughter ever come home after that with any marks, in any manner or fashion, from any spanking? She did not? Correct?

A No. I told them that I would find another baby sitter.

MR. VALESKA: That is all I have. Thank you very much.

THE COURT: Mr. Ramsey, anything else?

MR. RAMSEY: Yes, sir.

REDIRECT EXAMINATION

BY MR. RAMSEY:

Q Mrs. Money, when was it that you recall that B. C. whipped Amber?

A I can't recall. I didn't write down the date.

Q Okay. Can you remember what year?

A No.

Q Can't remember what year?

A We moved up there in '90 and they started keeping Amber for me while I worked after we moved up there in '90.

Q It upset you enough to get in the car and talk to B. C. and Ruby about it, didn't it?

A They were right there.

Q But, it upset you enough that you went and talked to them?

A I did.

Q And, had anything like this ever happened before?

A No.

Q And, you can't even remember what year it was?

A No.

Q Was it before or after Amber started school?

A I can't think. I don't remember.

Q Well, she started school in August or September of '93. Isn't that correct?

A The way it was after she started school, she was starting kindergarten when we moved up there.

Q So, it was after she started school?

A Yeah.

Q She started school in August or September of '93, didn't she?

A I would have to think.

Q If I told you she did, would you have any reason to differ with me?

A Yeah. Until I knew for sure.

Q Could you tell me why you would differ if I told you that it was a fact that she started the first grade in either August or September of '93.

A I have no reason to believe you.

Q I am not asking you to believe me, I am asking you if you have any reason to differ with me?

A No.

Q So, this whipping took place some time after that?

A It took place after they started baby sitting her for me to work.

Q Okay. Did Amber tell you that she was upset by it, it made her mad?

A She told me that granddaddy had spanked her and

she showed me the bruises on her leg because she would not dance for them.

Q What would you say your relationship with Amber is at the present time? Is it a good one?

A It is a good one.

Q What would you say your relationship was with Amber back in the fall of '93?

A We have always been close.

Q Always been very close?

A Uh-huh. (Affirmative response.)

Q Has she always confided in you?

A She talked to me a lot.

Q Tell you things, tell you about what is happening at school?

A Yeah.

Q Did she tell you about the good things that happened to her?

A Yeah.

Q Would she tell you about some of the not so good things that happened to her?

A I don't recall any not so good things.

Q You don't remember her telling you anything that was not too good?

A No.

Q Okay. What kind of grades does Amber make?

A Straight A student.

Q Straight A's? Good. When did you first learn of all of this?

A All what?

Q What we are here about today?

A The sexual abuse?

Q Yes, ma'am.

A June 7. It was election day. I went by and voted that evening.

Q June of '94?

A This year would be a year, so - - -

Q June 7 of '94?

A Yes.

Q Okay. Tell us how and what you heard?

A Amber come out there and said that she had to tell me something. She did not want to go home, she was begging not to go home and told me that her granddaddy was trying to have sex with her.

Q Okay. She told you this in June of '94?

A Uh-huh. (Affirmative response.)

Q Where were you?

A At a friend's house.

Q What friend's house?

A J. D.

Q J. D. who?

A Hobbs, Jr.

Q And, she told you that her grandfather was trying to have sex with her?

A Uh-huh. (Affirmative response.)

Q Is that what she told you?

A She said that he was trying to put his penis in her.

Q Okay. Did she tell you when this happened?

A She couldn't give me no dates.

Q Did she tell you that it had happened recently?

A Told me the last time he had touched her was that Monday when they kept her.

Q When would that have been?

A That would be the 6th.

Q Of June?

A Uh-huh. (Affirmative response.)

Q She told you at that time that up until June of '94 that he was still trying to have sex with her? Trying to have sex with Amber, excuse me.

A He was watching a movie, Screwballs, sitting in his lap and he was touching her private part.

Q She said that this happened on June 6?

A Uh-huh. (Affirmative response.)

Q You have been in the Court Room throughout these entire proceedings and you heard Amber take the

stand. Did she tell you about any of those other incidents that happened at that time?

A She never talked to me about it.

Q She never told you anything about it?

A Never told me anything until this come out.

Q When did she first tell you? Did she ever talk to you about it?

A It was in June.

Q The only thing she ever told you was that he touched her private parts?

A And was - - -

Q On that Monday, June 6, while watching a movie? Is that right?

A Uh-huh. (Affirmative response.)

Q Did she tell you whether or not anybody else was there?

A Her brother, Jamie and Aunt Ruby.

Q Ruby was there, B. C.'s wife?

A Yes. She said that granny had went to the mail box.

Q How many times have you taken Amanda Hadden home from school?

A I haven't counted them.

Q Quite a few?

A I wouldn't say quite a few. She would come visit with Amber some times and I had a stepdaughter

that kept her and Amanda and Chuck. Then her mother would come pick them up after school.

Q Can you give me an idea of how many visits it was?

A No.

Q Where would you take her when you took her to the house?

A I would take her to her home.

Q Do you know whether or not anybody was there when you left her?

A I wouldn't leave her if there wasn't.

Q Who was there when you would leave her?

A Her mother.

Q Where would you pick her up from?

A She rode the school bus home with Amber and I would pick her up at her granny's.

Q Okay. Did you do that more than one time?

A Probably.

Q On the date that you walked down to the hog barn, you don't remember when that was, do you?

A No.

Q You went to see Dr. Williams with Amber in June and Amber told you about this on June 7? Is that right?

A Uh-huh. (Affirmative response.)

Q '94, you remember that date, don't you?

A Yeah. How well.

Q You remember that well?

A Uh-huh. (Affirmative response.)

Q Now, how long before that was it that you went down to the hog barn?

A I can't tell you that.

Q Well, could it have been in March of '94?

A I don't know.

Q Could have been?

A I don't know.

Q If you don't know, then it could have been in March?

A Could be.

MR. VALESKA: I object. This is arguing.

She said that she doesn't know. She has answered that three times.

THE COURT: Okay. Sustained.

BY MR. RAMSEY:

Q What was your relationship to B. C. Money prior to June of '94?

A B. C., Sr.?

Q B. C., Sr., the Defendant, the man on trial here?

A Yes, sir. Just as close as we could be.

Q All right. Now, that wasn't necessarily the case to Comer, was it?

A Yeah.

Q Comer and B. C. were, had no problems at all?

A No. His daddy was fighting for us to stay on the land we was on.

Q And, Comer never went over to B. C.'s house with a gun and threatened him?

A No. B. C. pulled a gun on Comer. And, he hit him on the head with a walking stick.

Q Okay. But, Comer didn't have a gun?

A No.

Q But, there was some dispute, at least, on that occasion, wasn't it?

A Oh, yeah.

Q As a matter of fact, there was quite a tussle and a fight, wasn't it?

A When he pulled the gun, Comer tried to take it away from him.

Q Did they have a scuffle?

A The gun went off and went through the ceiling.

Q Sounds like they had a scuffle to me. And, that was Comer, this man's son?

A It was that man that pulled the gun on his son.

Q The two that were tussling was Comer and B. C.?  
Is that right?

A Uh-huh. (Affirmative response.)

Q Is that the only time they ever had any altercation  
of any kind?

A That is the only time I know about.

Q The only one that you know about? When you walked  
down to the hog barn on that day, where was Amber  
when you first saw her?

A I really - - - that has been a while ago. I cannot  
really picture where she was at.

Q You don't remember at all where she was?

A I remember them coming out of the barn and I  
can't even tell you who come out first.

Q Did you get a close look at Amber and Amanda?

Did you see them?

A They was red faced.

Q Okay. You didn't tell Mr. Valeska that earlier,  
did you?

MR. VALESKA: Objection. I didn't ask her.

THE WITNESS: He asked about Mr. B. C.

THE COURT: This is Cross.

MR. VALESKA: I withdraw.

THE WITNESS: He asked how Mr. B. C. looked and I told him that he was sweating and looked tired. Said he was tired of messing with them girls.

BY MR. RAMSEY:

Q Did you think anything about it, at that time?

A That was her granddaddy. No.

Q But, you now can remember they were red faced?

A Yeah.

Q You remember that?

A Just like I remember he was sweating when he come out.

Q But, you don't remember what they were wearing and what the date was?

A I know they had shorts on, it was hot weather.

Q Did you see any redness or abrasion that - - - strike that. Did you get a chance to observe Amanda Hadden?

A Observe her?

Q Observe her. Did you see her? Did you get a chance to look at her?

A I just said they both come out red faced.

Q Then is the answer to my question yes?

A Yes.

Q Okay. How close were you to Amanda when you saw her?

A I went right to where they were at.

Q In fact, you took her home, didn't you?

A Yes. That evening.

Q She got in the car with you?

A Yes.

Q Did you notice any redness or abrasions or any type of markings on the back of Amanda's legs or the back of her arms?

A I didn't examine her.

Q Did you notice anything? The answer is yes or no?

A No.

MR. RAMSEY: That is all.

MR. VALESKA: No questions.

THE COURT: Let me ask just a couple of questions here. When was it that you first learned of the allegations in regard to Amanda?

THE WITNESS: To Amanda? The evening Amber told me, said he messed with her and Amanda.

THE COURT: Okay. That is what I thought.

And, thereupon, you went and told Mrs.

Hadden? Is that correct?

THE WITNESS: That is true.

THE COURT: And, was Amber present, at that conversation?

THE WITNESS: No. We left Amber at a friend's house until we had a chance to ask Amanda.

THE COURT: Have you ever heard Amanda tell anyone after that particular incident what happened?

THE WITNESS: Have I ever heard? Hu-huh.

(Negative response.)

THE COURT: Okay. Let me ask you this.

After you learned of these particular instances, did you have an occasion to confront your daddy?

THE WITNESS: My father-in-law?

THE COURT: I mean your father-in-law. Excuse me.

THE WITNESS: No.

THE COURT: Do you know whether or not your husband had an opportunity to confront him?

THE WITNESS: He has not talked to him.

THE COURT: You had no contact whatsoever about what, stating to him what happened and then his reaction?

THE WITNESS: No.

THE COURT: Let me ask you this. This has become relevant about this scuffle. What was the cause of this scuffle between your husband and his daddy?

THE WITNESS: I really can't recall. I know at the time that Tommy Lee was trying to get us, wanted us to move off of his property and there was a big scuffle.

THE COURT: Let me ask you this. Your daughter related two events that happened to Amanda on that particular occasion? Is that correct?

THE WITNESS: Uh-huh. (Affirmative response.)

THE COURT: How long has that been?

THE WITNESS: How long has what been?

THE COURT: When she first talked about it?

THE WITNESS: June of last year.

THE COURT: Okay. You heard the testimony, I believe, of Amanda today?

THE WITNESS: Yes, sir.

THE COURT: Yesterday, I am sorry. Is that the first time that you heard of her actually telling about the allegations? Is that correct?

THE WITNESS: Yes.

THE COURT: Are they any different from the time you heard them yesterday from the time your daughter told you in June of 1993?

THE WITNESS: There might have been a couple of little things, but nothing - - - from what I have heard both of them saying is basically about the same thing they told us before.

THE COURT: Okay. That is all I have. Anything else?

MR. RAMSEY: (Shakes his head to the negative.)

THE COURT: All right. You may step down.

(Witness excused.)

THE COURT: Call your next witness.

MR. RAMSEY: Call Ruby Money.

Thereupon,

RUBY MONEY

was called as a witness in behalf of the Defendant, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. RAMSEY:

Q Ruby, for the Record, tell the Ladies and Gentlemen of the Jury your name, please.

A Ruby Money.

Q And, you are B. C.'s wife? Is that correct?

A Yeah.

Q How long have you and B. C. been married?

A Fifty-two years.

Q Where do you live?

A I live at, down below Haleburg on the River Road.

Q You have a Route 1, Columbia address; but you live in Henry County?

A Yes.

Q Down around Haleburg?

A Yeah.

Q Right about the Houston-Henry County Line?

A Yes, sir.

Q How long have you been living there?

A How long have I been living there?

Q Yeah.

A About forty-five years.

Q Been living at the same place for forty-five years?

A Uh-huh. (Affirmative response.)

Q Now, who is James Ernest Amos?

A That is my grandson.

Q He lived with you a while, didn't he?

A Yeah. He did.

Q How long did he live with you?

A Oh, about three months.

Q Okay. Where had he come from when he came to  
live with you?

A Shorterville.

Q How old was he, at the time he was living with  
you?

A About, I guess he was seventeen, eighteen.

Q Eighteen?

A (Witness nods her head to the affirmative.)

Q Okay. He lived with you about three months?

A Yeah.

Q And then why did he move on?

A Well, we wanted him to move on out, because he was, you know, doing things that we couldn't, didn't approve.

Q Such as?

A Drinking.

Q All right. Anything else?

A Well, I found some magazines that he put under the bed.

Q Let's talk about those magazines. When did you find those magazines?

A Oh, it was, I guess it was a month or two about after he had left.

Q He had already moved out when you found the magazines?

A Uh-huh. (Affirmative response.)

Q Tell the Ladies and Gentlemen of the Jury what you found.

A Well, it was what you call Playboy Magazines.

Q Where were they?

A They was under the bed on a locker where, I guess where I couldn't find them.

Q Were any in the closet in a box?

A Hu-huh. (Negative response.)

Q What did you do with them when you found them

under the bed?

A I took them to my husband and told him to get rid of them.

Q Did you ever catch Amber looking at these magazines?

A One time. Her and one of my grandsons.

Q Okay. Where was she when you caught her looking at them?

A In this room.

Q Where had she gotten the magazines from?

A They is the ones that found them.

Q Okay. They found them before you actually found them? Is that right?

A Uh-huh. (Affirmative response.)

Q So, when you saw them with the magazines, you didn't know anything about them before that? Is that correct?

A No. I sure didn't.

Q What did you do when you caught them? What did you tell them?

A I told them that is not for y'all to look at. I said that is something ugly. So, I took them and gave them to my husband.

Q And, you told him to burn them and throw them away?

A Yeah.

Q Was it a lot of magazines?

A Oh, there was about five or six.

Q It was more than two?

A Yeah.

Q Okay. Amber comes to you or used to come to your house just about everyday after school, didn't she?

A Yeah.

Q And, how long would she stay there after school before she went to her house?

A She would get there about 3:30 and stay until 4:00 until her mama picked her up.

Q What time would her mother pick her up?

A Sometimes 4:00 and sometimes it was after.

Q What would be the latest that they would be there, if you know?

A Well, 4:30, if she was late or something.

Q Okay. Do you know Amanda Hadden?

A Well, yeah. I know her. It is, well, I guess kinfolks.

Q She and Amber are cousins? Is that right?

A Yeah.

Q Has Amanda ever been to your house?

A She has been there some, not much.

Q Do you know how many times that she has been there?

A Well, no, I don't.

Q Do you know about that she and Amber came over there and got some cookies to eat and some tea and then went with B. C. down to the hog barn?

A Yeah, I remember that.

Q Okay. Did that happen more than one time or did that just happen one time?

A Yeah.

Q Which one? Do you know?

A That was the time they always went out to the barn with him and I gave them some cookies and milk.

Q How many times did they do that, to your knowledge?

A I don't know.

Q Do you recall a date back in March of '94 when they did that?

A (No response.)

Q You just don't remember that?

A I don't remember.

Q All right. Had Amber ever confided in you, tell you secrets and things?

A Not much. Hu-huh. (Negative response.)

Q Has Amber ever come up to you and made a statement to you that her granddaddy was touching her on her

private parts?

A Not me.

Q She never made that statement to you?

A (Witness shakes her head to the negative.)

Q Okay. Would you have done anything if she had?

A I sure would have.

Q Okay.

MR. RAMSEY: That is all I have. Answer

Mr. Valeska's questions.

THE COURT: Okay. Mr. Valeska.

MR. VALESKA: Just a few questions, if I could, please?

CROSS EXAMINATION

BY MR. VALESKA:

Q First of all, Mrs. Money, you were telling the Jury you remember the one time Amanda came from school with Amber, you gave them some cookies and milk and they went out with your husband to the barn? Is that correct?

A Yes. That is right.

Q You don't remember but one time?

A No, I don't.

Q All right. Now, can you tell me -- you don't know the day of the week, either, do you?

A Unless it was on a Friday.

Q Okay. But, to be sure, you really don't know, do you?

A No, I don't.

Q I understand. Now, you said that your nephew, Ernest Amos, lived with you?

A Yeah.

Q When did he live with you? This is 1995, can you tell me when he lived there? Can you tell me, please?

A It was in '94.

Q 1994? You are sure?

A Yeah.

Q And, he lived with you how long?

A I would say three, four months.

Q If your husband told Clyde Hornsby that it was more than six months, could have been a year, about a year, would he be mistaken or do you know?

A I don't know.

Q Let's talk about Mr. Amos, your grandson who lived with you. Are you telling the Jury, under oath, that B. C. Money, Sr., your husband, he doesn't

drink beer?

A No.

Q He does, doesn't he?

A He has drank it.

Q He kept beer in the house in the icebox, doesn't he?

A Yeah. A little.

Q I understand that he is of adult age and I understand. But, my question is there was beer in the house when Amber would come to stay after school? Is that correct?

A (No response.)

Q That is true, isn't it?

MR. RAMSEY: Judge, what is the relevancy of that, whether or not there was beer in the house?

THE WITNESS: I don't remember that.

THE COURT: Ma'am?

THE WITNESS: I can't remember that. Honest I can't.

THE COURT: Just a minute.

THE WITNESS: Okay.

MR. RAMSEY: What is the relevancy?

THE COURT: You have an objection?

MR. RAMSEY: Yes, sir. I object on the grounds of relevancy.

THE COURT: Okay. Overruled. Go ahead.

BY MR. VALESKA:

Q You don't remember? Correct? I understand. The magazines you said that Amber found, Amanda wasn't there, was she?

A Hu-huh. (Negative response.)

Q And, the grandson that was with Amber, his name was - - -

A Kevin Money. He was from Texas.

Q Comer Money's son? Right?

A Right. Yeah. Yeah.

Q You and Comer Money get along real good, don't you?

A Yeah. Most of the time.

Q My question is you knew Amber was his daughter?

A Yeah.

Q You know Miss Pat here, right?

A Yeah.

Q You have never had any problem with Miss Pat, have you?

A No.

Q You get along well with her? Is that correct?

A I would say yeah.

Q She let you keep your grandchild and you did that?

A Yeah.

Q They were working and you wanted to look after Amber for her? True?

A Yeah.

Q Now, it is also true that B. C. Money, Sr., your husband, never told you at any time that he had discussed with Amber about sex, did he?

A Hu-huh. (Negative response.)

Q He never told you that Amber, according to him, used the term cum, C-U-M, did he?

A Yeah. He told me that.

Q When did he tell you that?

A I guess it was just some time she told him that that was what it was.

Q Did your husband, B. C. Money, Sr., ever tell you that Amber told him a secret and not to tell anybody, but that little boys had touched her and done things to her?

A Yeah. He told me that.

Q When did he do that?

A I think it was last year, some time.

Q You care about your granddaughter, Amber, don't you?

A Yeah. I love her. I helped raise her.

Q But, my question is, you wanted to make sure that she was safe and secure, didn't you?

A I sure did. I watched her.

Q You never told your son, Comer Money or Amber's mother, Pat, about these things that B. C. Money, Sr. told you that this little six or seven year old girl was talking about, did you, ma'am?

A No. I -- hu-huh. (Negative response.)

Q And, you know, of your own personal knowledge, that B. C. Money, Sr., the Defendant in this case, never told his own son or daughter-in-law about these things that she said about sex? Is that correct?

A Yeah.

Q And, you also know when you saw her looking at those magazines, you never told her mother or father, did you?

A I don't think so. I don't remember.

Q I understand. It has been a while? Is that correct?

A Uh-huh. (Affirmative response.)

Q And, I understand. Now, let's talk about, if I

could, please tell me B. C. Money, Sr., the day you gave Amanda and Amber cookies, did in fact go out and go to the hog barn or the dog pen, driving his truck, and they rode with him on the back, didn't they?

A Yeah, they did.

Q And, would you agree from your house or trailer to the hog barn or shed out by that pond, it is a good ways? Is that correct?

A Yeah.

Q Would you say that is fair? And, would you agree that if someone was in that hog barn or pen and yelled out for help and you were inside your trailer - - -

A No. I didn't hear that.

Q I understand. But, you wouldn't have heard it even if they did, if you were inside of the trailer? Is that correct?

A No.

Q And, there is a dirt road on the side of your trailer that runs up to the property where Comer and Pat were living with Amber? Is that right?

A Yeah.

Q Now, Amber is your granddaughter?

A Yeah.

Q Never had any problems with Amber, have you?

A No.

Q Typical little girl, isn't she?

A Yeah. I just petted her.

Q I understand. She didn't tell you crazy stories or lie, did she, ma'am?

A No.

Q She never came to you, is that what you are saying, never told you one time that granddaddy, your husband, had touched her?

A No. I don't think so.

Q Are you sure?

A Yes. I am sure.

Q What is your daughter's name? What is one of your daughter's name?

A Ruby.

Q Ruby Money who is now Ruby Robertson?

A Yeah.

Q Did Ruby ever talk with you about Comer, excuse me, B. C. Money, Sr.?

A Well, I don't remember. That has been so long - - -

Q You are not saying that she didn't?

A Hu-huh. (Negative response.)

Q Now, let me ask you, if I could, Amanda, you said was in fact related to you, cousin, niece, some

[redacted] blood line? Is that correct?

A Yes.

Q Now, the magazines, were they found under the bed or up in the closet? Do you remember?

A Under the bed.

Q Under the bed. Did you find them or did Amber find them?

A Well, I told you I went in there and they done had them alooking at them and alaughing.

Q And, you got them? Right?

A Yeah.

Q And, you gave them to your husband?

A Yeah.

Q Right then or later?

A I gave them to him when he come in the house.

Q In your best recollection, there were five? Is that true, the best you can remember?

A Four, five.

Q Okay. You told him to burn them, get rid of them?

A Yeah, I did.

Q Did B. C. Money, Sr., tell you that he kept two of them?

A No, he didn't.

Q Did he ever tell you that he kept them because he wanted to order something out of those sex magazines?

He didn't, did he?

A (No response.)

Q The playing cards, you knew that B. C., your husband, had playing cards, two sets of playing cards with pictures of women exposing their private parts, didn't you?

A Yeah. I knew it.

Q Where did he keep them?

A He kept them in the chest of drawers, you know, back behind our other letters and things.

Q Can you tell me in your trailer, ma'am, how many bedrooms do you have?

A Three.

Q Okay. If I am not being too personal, ma'am, did you have an injury with your leg or hip or knee a while back and had to have some surgery?

A Yeah.

Q At that time, when that occurred, were you sleeping in one of the other bedrooms other than the bedroom that you and Mr. Money normally slept in?

A Yeah.

Q And, there is a smaller bedroom in there? Is that correct?

A That is where I slept.

Q You had a hammock down there at the trailer? Is

[REDACTED]

that true? Do you know what I mean by a hammock or a swing?

A Did have one.

Q And, your husband had the right to use, go on the hog barn property? Where the dog pens were, that property belonged to Tommy Lee Money?

A Yeah.

Q He would take care of his dogs? Is that correct?

A Yeah.

Q Did your husband tell you that he kept two of those nasty magazines?

A Uh-huh. (Affirmative response.)

MR. RAMSEY: Asked and answered, judge.

MR. VALESKA: I didn't ask her did he tell her. I didn't ask that question.

MR. RAMSEY: You did, too.

THE COURT: Overruled. Go ahead.

BY MR. VALESKA:

Q I am not going to show you the magazines at this time, but I am going to ask about two sets of cards. I will just leave them like that, turn them over. Did your husband get them out and play

with those two sets of cards or did he keep them in the drawer, if you know?

A I never seen him playing with them.

Q Did you ever see them out in the house, though?

A No. Hu-huh. (Negative response.)

Q You never caught Amber with those, did you?

A No.

Q Or any other grandsons? Is that right?

A (Witness shakes her head to the negative.)

Q Do you know how your husband got those cards?

A My grandson come from the Bahamas and give him.

And, my son-in-law give them to Pat and she brought them to the house, she brought them to him.

Q Okay. Your son-in-law Earl?

A Yeah.

Q And, then the grandson, Todd Money? Is that right?

A Yeah.

Q Can you tell the Ladies and Gentlemen of the Jury from the time - - - when did you first become aware your husband was arrested and charged with Rape and Sexual Abuse of your granddaughter, Amber and also with Amanda Hadden? When did you learn that, if you remember?

A (No response.)

[ ]

Q I mean the best you can remember, I am not trying to trick you. Would it have been June, would that be fair, of 1994?

A Yeah. It was in June.

Q Would that help you? Your husband, B. C. Money, Sr., would you say that he is in better health than you are? Would that be fair?

A Uh-huh. (Affirmative response.)

Q He is stronger, in relationship to get around, walk around, do physical things, drive a truck, go out in the yard. And, he is in much better health than you? Would that be fair, Mrs. Money?

A Yeah.

Q And, from June the 8th, 1994 or 7th, when you became aware that he was arrested and charged, isn't it true that your granddaughter, Amanda Money, has not one time come back to your house since then? Is that not true?

A Yes. She hasn't.

MR. VALESKA: That is all. Thank you, Mrs. Money.

THE COURT: All right. Anything else for Mrs. Money?

MR. RAMSEY: Judge, may I approach?

THE COURT: Sure.

(Thereupon, an off the Record discussion was held between the Court and the Attorneys of Record. Upon completion of said discussion, the following proceedings were had, to-wit:)

REDIRECT EXAMINATION

BY MR. RAMSEY:

Q Mrs. Money, have you ever seen your husband and Comer get into an argument or fight?

A Yeah.

Q All right. Tell the Ladies and Gentlemen of the Jury about that.

A Well, one night they got into it.

Q What happened?

A Well, my husband hit him with his walking stick.

Q Tell us from the start to finish what happened.

A He come down there raising sand at us that Tommy Lee was going to make him move.

Q Okay. Did he appear he had been drinking?

A I couldn't tell.

Q Was he being loud and boisterous?

A He was loud with it.

Q All right. What happened next?

A Well, let's see what happened next. Oh, they, he got a gun and my husband knocked it out.

Q Comer went and got a gun, left and come back with a gun?

A No. He got it out of the truck in the yard.

Q I mean he left the trailer, went to his truck and got the gun, didn't he?

A Uh-huh. (Affirmative response.)

Q He came back to the trailer with a gun? Is that right?

A Right.

Q It was a rifle, wasn't it?

MR. VALESKA: I don't think he needs to lead her quite so much.

BY MR. RAMSEY:

Q It wasn't a hand gun, was it?

THE COURT: Go ahead.

THE WITNESS: Hu-huh. (Negative response.)

BY MR. RAMSEY:

Q It was a rifle, was it not?

A Yeah.

Q Did he come inside the trailer with that gun?

A I think he was standing at the door and got as far as the door.

Q Got as far as the door? What happened when he got to the door?

A Well, I can't remember that, now. But, I know that I was abegging them to quit.

Q In fact, B. C. went and got a shotgun, didn't he?

A Yes, he did.

Q Comer knocked that shotgun out of his hand, didn't he?

A No, sir. It was me.

Q You knocked the shotgun out of B. C.'s hands?

And then, didn't Comer and B. C. get in a struggle over the rifle?

A I wasn't there. I run.

Q You ran after that?

A Yeah.

Q Do you remember a shot going off?

A Yeah, I do.

Q Did you see B. C. hit Comer with a cain?

A Yeah, I did.

Q He knocked the stew out of him, didn't he?

A He hit him hard.

Q His head was bleeding and all, wasn't it?

A Uh-huh. (Affirmative response.)

Q What happened after that? Comer got up and left?

A Yeah, he did.

Q Okay.

MR. RAMSEY: That is all.

MR. VALESKA: Just a couple of questions  
about what took place then.

RECROSS EXAMINATION

BY MR. VALESKA:

Q What I want to ask you is did your husband, B. C. Money, Sr., who hit Comer, put a big gash on his head; he didn't get a warrant to have his son arrested though, did he?

A (No response.)

Q That is true, isn't it?

A No.

Q And, his son did not have his father arrested, did he?

A No.

Q What I want to ask you, after that occurred, Amber, your granddaughter, still came down to visit and to stay? That is true, isn't it?

A Yeah.

Q And, Pat and Comer, your son, came down to visit the father and father-in-law during this time? Is that right?

A Yeah.

Q Did your daughter, Ruby Money, Ruby Robertson, tell you - - -

A Yeah.

Q - - - tell you that your husband used to touch and feel and grab her on her - - -

MR. RAMSEY: We object to what Ruby Robertson said.

THE WITNESS: I don't remember that.

MR. RAMSEY: Don't - - - we object to that.

THE COURT: Don't object until the question is out. I can't listen to three people

at the same time. What was your question, Mr. Valeska?

MR. VALESKA: The question was: Did her daughter, Ruby Money, Ruby Robertson, tell her that B. C. Money, Sr., her father, had touched, felt, or grabbed her sexually.

MR. RAMSEY: We object to that.

THE WITNESS: I don't remember.

MR. RAMSEY: He can put her on the stand.

THE COURT: Just a minute. Y'all approach the Bench just a minute.

(Thereupon, an off the Record discussion was held between the Court and the Attorneys of Record. Upon completion of said discussion, the following proceedings were had, to-wit:)

MR. VALESKA: If it is stipulated she was asked that question and said she didn't remember, then I withdraw.

MR. RAMSEY: I will stipulate that.

MR. VALESKA: Then I will withdraw that and ask her a second time.

THE COURT: Okay.

BY MR. VALESKA:

Q The question I would now like to ask you please, ma'am, is it your testimony, under oath, that Amber Money, your granddaughter, never told you that B. C. had touched, felt, or grabbed her or you just don't remember?

MR. RAMSEY: This has been asked and answered twice.

THE COURT: Overruled.

BY MR. VALESKA:

Q You stated that you don't remember that, either?

A No, I don't.

MR. VALESKA: That is all I have, ma'am. Be careful getting down the stairs.

THE COURT: Just a minute, Mrs. Money.

Is there any further Redirect?

MR. RAMSEY: Yes, sir.

FURTHER REDIRECT EXAMINATION

BY MR. RAMSEY:

Q Mrs. Money, I have one more. Would you remember that, if she ever came and told you that?

A No. I ain't got the best of minds here.

Q Nor certainly do I, Mrs. Money.

A I forget things. I forget things.

Q That is something serious, isn't it?

A Yes, it is.

Q And, isn't that something that you would remember?

A No, I don't.

Q Okay. You just honestly don't remember?

A Don't remember.

MR. RAMSEY: That is all, ma'am.

FURTHER RECROSS EXAMINATION

BY MR. VALESKA:

Q You don't remember if your own granddaughter, Amber, who you love and care about, ever came to you and told you that her grandfather, B. C. Money, did these things?

A No. I don't remember.

Q You honestly don't remember?

A No, I don't.

Q Okay.

MR. VALESKA: Thank you. Be careful on the stairs.

(Witness excused.)

THE COURT: Okay. Let's take about a five minute, ten minute break at this time.

(Thereupon, a recess was called and taken by all parties. Upon completion of said recess, all parties returned to the presence

and hearing of the Court  
Room and the following  
proceedings were held out  
of the presence and hearing  
of the Trial Jury, to-wit:)

THE COURT: Okay. You can bring them in.

(Thereupon, the Trial Jury  
was returned to their  
places in the Jury Box and  
the following proceedings  
were held in the presence  
and hearing of said Trial  
Jury, to-wit:)

THE COURT: Before we get started again, I  
will ask the Jury like I did yesterday  
if they have any commitments past  
4:30.

A JUROR: I do.

THE COURT: What do you have?

A JUROR: A ball game in Eufaula.

THE COURT: What time is it?

A JUROR: 5:30.

THE COURT: And, you still have your commitment at 5:00?

A JUROR: Yes.

THE COURT: Anybody else?

(No response.)

THE COURT: Okay. How long does it take you to get to Eufaula, about thirty, thirty, forty minutes?

A JUROR: I have to get dressed.

THE COURT: That is at 6:00, you said?

A JUROR: 5:30.

THE COURT: 5:30. Okay. All right.

Gentlemen, it looks like we will quit about like we did last time. Y'all have any objections to that?

MR. RAMSEY: No, sir.

THE COURT: Mr. Valeska?

MR. VALESKA: I have to testify in Federal Court tomorrow.

THE COURT: I understand that.

MR. RAMSEY: Come up here.

(Thereupon, an off the Record discussion was held between the Court and the

Attorneys of Record. Upon completion of said discussion, the following proceedings were had, to-wit:)

THE COURT: Okay. We are going to try to recess about 4:30. We have some problems about starting tomorrow morning and it is not anybody's fault, it can't be helped. So, what we will do is start tomorrow afternoon about 1:30. I would hate to try to finish this case tonight, from what the attorneys tell me. If we did, it would be kind of late and I don't see any need of doing that. But, we cannot do this tomorrow morning, because of the previous commitments. One of the attorneys has to be in Federal Court as a witness tomorrow morning and hopefully by 1:30 we can get started back. But, I don't see how in the world we can finish with testimony, Closing Arguments and Oral Charge unless we went to 10:00 tonight and I don't think anybody wants

to do that. I certainly don't. Unless y'all make me stay here, I am not going to do it. So, let's go ahead and get as much as we can and then we will recess about 4:30 and that will give you time to get to Eufaula. Go ahead and call your next witness.

MR. RAMSEY: Elbert Bristow.

Thereupon,

ELBERT BRISTOW

was called as a witness in behalf of the Defendant, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. RAMSEY:

Q Mr. Bristow, tell the Ladies and Gentlemen of the Jury your name please, sir.

A Elbert Bristow.

Q Where do you live, Mr. Bristow?

A Route 1, Box 32B, Columbia, Alabama.

Q That is in the Haleburg Community?

A The Haleburg Community.

Q That is in Henry County?

A Henry County.

Q How long have you lived there?

A About forty-five years.

Q You know Mr. B. C. Money - - -

A Yes.

Q - - - sitting here in the brown jacket?

A Yes, sir. I do.

Q And, do you live in the same community - - -

A Yes, sir, I do.

Q - - - with Mr. Money? How far do you live from B. C.?

A About, probably a little better than a quarter of a mile.

Q How long have you known him?

A Forty-five years.

Q Do you know his wife, Ruby?

A Yes, I do.

Q Do you know all the family?

A I know all of the family. I am married to his sister.

Q You are married to B. C. Money's sister?

A Right.

Q What is her name?

A Retter Beatrice.

Q Beatrice Bristow?

A Beatrice Bristow.

Q To your knowledge, how long has B. C. been living in the same community?

A When I first got married, he was living there and then moved off and then came back, so right in the immediate area, I would say forty years.

Q Do you have - - -

A Or more, beside his growing up years.

Q Do you have an opinion as to B. C. Money's reputation for truthfulness and veracity in the community?

A As far as I am - - -

Q Do you have an opinion?

A Yes, sir. I have an opinion.

Q Tell the Ladies and Gentlemen of the Jury what that opinion is, please.

A He has never lied to me.

MR. VALESKA: Objection. That is not proper.

THE COURT: Okay. Sustained.

BY MR. RAMSEY:

Q Just what is his reputation for truthfulness and veracity in the community, as you know?

A As I know it, it is good.

Q All right.

MR. RAMSEY: That is all I have. Thank you.

CROSS EXAMINATION

BY MR. VALESKA:

Q Let me ask you this, if I could, Mr. Bristow. Have you heard rumors and reports that if he had talked to Clyde Hornsby about this case and what he said in those interviews with Clyde Hornsby was not true and could be proven to you it was not true, would that change your opinion?

A Could you come back with that again? I don't quite understand it?

Q I apologize. I am sorry. If he was interviewed by Clyde Hornsby and asked questions - - -

A See, I didn't know that he was interviewed by Clyde.

Q I understand, Mr. Bristow. I am not trying to

trick you. I am trying to make it simple for me, okay, to ask it to you. But, if he was interviewed by you, if that was true and if he gave responses, whatever he said to Clyde Hornsby, what he said to him was not true, okay, and it could be proven to you that it was not true, would that change your opinion? It would, wouldn't it?

A I can't answer that, because I have never been confronted with that question. Until I am confronted with that question and know that question did happen, then I would have to answer it to the best of my ability.

Q Did you help make his appearance bond?

A No, sir. My wife did.

Q Okay. Your wife? With your property and her property together?

A Well, it is like you and your wife, I imagine; what is yours is what's mine and the rest of it is my wife's.

Q Everything I have is hers, I assure you. Yes, sir. Whole-heartedly. Have you talked to him about this case?

A From time to time, yes, I have.

Q Do you know his granddaughter, Amber?

A Yes, I do.

Q You have seen her?

A Yes, I do.

Q Her reputation is good, isn't it?

A As far as I know.

MR. VALESKA: That is all. Thank you, Mr.

Bristow.

THE COURT: Anything else?

MR. RAMSEY: No, sir.

THE COURT: Okay. You may step down.

(Witness excused.)

THE COURT: Call your next witness.

MR. RAMSEY: Cynthia Chambers.

[Redacted]  
Thereupon,

CYNTHIA CHAMBERS

was called as a witness in behalf of the Defendant, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. RAMSEY:

Q Tell us your name please, ma'am.

A Cynthia Chambers.

Q Where do you live, Mrs. Chambers?

A I live close to Haleburg.

Q On Route 1, Columbia?

A No. Route 1, Shorterville.

Q Route 1, Shorterville? Okay. How far do you live from - - - strike that. Do you know B. C. Money?

A Yes, I do.

Q How long have you known him?

A About thirty years.

Q Thirty years?

A (Witness nods her head to the affirmative.)

Q How far do you live from him, now?

A About three quarters of a mile.

Q How do you know B. C.?

A Well, we are neighbors.

Q Do you do things together?

A No, not really. Just visit every once in a while.

Q Pretty much everybody in that community knows everybody else? Is that correct?

A Sure. Uh-huh. (Affirmative response.)

Q Do you know the family, B. C.'s family?

A Yes, I do.

Q Do you know his wife, Ruby?

A Yes, I do.

Q Do you know all five children?

A Yes, I do.

Q And, you know his grandchild, Amber?

A No, I don't.

Q You don't know Amber?

A No.

Q Do you know Amanda Hadden?

A No.

Q Do you have an opinion as to the reputation of B. C. for truthfulness and veracity in the community?

A I have never heard - - -

Q No, ma'am. Do you have an opinion as to B. C.'s truthfulness and veracity in the community?

A As far as I know, he always tells the truth.

Q Do you have an opinion? Yes or no?

A Yes.

Q Okay. Now, tell the Ladies and Gentlemen of the Jury what that opinion is?

A I believe him to be a truthful person. I never heard him tell a lie.

MR. VALESKA: Objection. This is unresponsive to the question. The question is good or bad, not specifics.

THE WITNESS: It is good.

THE COURT: Yes.

BY MR. RAMSEY:

Q The reputation for B. C. in the community for truth and veracity is good?

A Yes.

MR. RAMSEY: That is all I have. If you will, answer Mr. Valeska's questions,

[redacted]  
please.

MR. VALESKA: I have just a few questions, if  
I could please, ma'am?

CROSS EXAMINATION

BY MR. VALESKA:

Q You know his children, Comer Money?

A Yes.

Q Do you know Ruby Robertson, his daughter?

A Yes, I do.

Q Would you agree, it is fair to say, that they would  
know better the reputation of their father than  
maybe even you would? Would that be fair to say  
to you?

A Well, I don't know that they can be more objective.

Q You are saying they couldn't be more objective?

A That is what I would think.

Q Why would Ruby Robertson, can you tell me why she  
wouldn't be more objective?

A I don't know.

Q I am not trying to trick you, ma'am, I am just  
asking. Are you saying that Ruby Robertson then,  
would it be fair to say, you have no reason to

believe that she could be objective, like you would? Would that be fair or unfair?

A Unfair.

Q Why?

A I don't think she could be fair to, would be objective with maybe the problems that they have had in the past.

Q Problems between Ruby Robertson and her father? Correct?

A Uh-huh. (Affirmative response.)

Q What about B. C., Jr., Comer Money?

A Basically the same thing.

Q What about -- - I am sorry. I withdraw that. Would you tell the Ladies and Gentlemen of the Jury, you say the reputation in the community for truthfulness was good; who was the last person you heard say that B. C. Money's reputation for truth and veracity was good in Henry County? Who was the last person?

A I have never talked to people about him.

Q I am not trying to trick you, ma'am. Okay? I want to ask you some questions. Then, it is your testimony to the Jury then, that it is like everybody in this room, right here, would it be fair to say you never heard anybody else say

anything about his reputation for truth and veracity?

I am not trying to trick you, just what you, yourself, know. Right?

A Right.

Q So, that is your personal opinion?

A That is my personal opinion.

Q You never heard one other person say good or bad about his opinion?

A No.

Q Ma'am, do you know under the laws of the State of Alabama, reputation testimony - - - I am not trying to trick you, Mr. Ramsey is here; it is not what you personally think, it is what other people say. If that is the case then, you couldn't give an opinion, could you, ma'am? You have not heard other people talk about it?

A I guess you are right.

MR. VALESKA: Okay. Thank you very much for the answers. I move to strike her testimony.

THE COURT: Okay. Any objection or anything else?

MR. RAMSEY: No, sir. I have got more questions to follow up.

THE COURT: Okay. I will make a ruling after  
the next questions.

REDIRECT EXAMINATION

BY MR. RAMSEY:

Q Mrs. Chambers, you stated something to the effect  
you know about some problems between B. C. and  
Comer? Is that right?

A Uh-huh. (Affirmative response.)

Q What kind of problems?

A Well, mostly hearsay, just hearsay as far as this;  
like rumors in the community.

Q Do you know Pat Money sitting here?

A No, I don't.

Q Do you know that is Comer Money's wife?

A I guess I do.

Q Okay. Do you?

A Yes. I know that.

Q Are you personally aware of any problems between  
Comer and B. C.?

A Personally?

Q Yes, ma'am. Do you have personal knowledge of  
any problems, not what somebody told you or what

[REDACTED]  
you have heard?

A No. I have never been in any of it and I have  
never - - -

Q Same question for, with regard to Ruby, his  
daughter?

A Same thing.

Q You don't have any personal knowledge?

A (Witness shakes her head to the negative.)

MR. RAMSEY: That is all I have.

MR. VALESKA: I renew the motion to strike  
her testimony. It is not her personal  
opinion. Reputation for truth and  
veracity is what other people say. He  
did not illicit any other questions about  
what other people said. If I am wrong,  
I am not trying to trick her, that is  
her opinion.

THE COURT: Her testimony is stricken as far  
as reputation is concerned. You may  
step down.

(Witness excused.)

THE COURT: Who will you have?

MR. RAMSEY: We call Dora Money.

THE COURT: Let me say this before we start.

If the Jury is not aware of what I did in that particular case, that is for you to disregard any testimony as far as what she said as to what the general reputation in the community was as relating to B. C. Money. You have heard testimony to certain matters, but that would be not for you to consider. Even though you heard it, you need to wipe that from your mind and not consider it.

MR. VALESKA: I have no problem about problems between B. C. Money, Comer, and/or Ruby. I have no problem with not striking that, they can consider that.

THE COURT: Well, that is what I told the Jury as to the reputation only. Is there any other questions that were not objected to and was allowed in evidence and you can consider that. Okay. Go ahead.

Thereupon,

DORA MONEY

was called as a witness in behalf of the Defendant, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. RAMSEY:

- Q Mrs. Money, tell us your name and address, please.
- A Dora Money. Route 1, Columbia, Box 33.
- Q Do you live in the Haleburg Community?
- A I live outside the city limits.
- Q Do you know B. C. Money?
- A Yes.
- Q Sitting right there?
- A Yes.
- Q How long have you known him?
- A Been knowing him about fifty-seven years.
- Q Okay.
- A That was when I first moved up here.
- Q Are you related to B. C.?

A Brother-in-law.

Q He is your brother-in-law? And, you are married to his brother and what is his name?

A Frank.

Q You are Frank Money's wife?

A Right.

Q And, you know all the Money's family?

A I sure do.

Q And, you have known them about thirty years, you said?

A Fifty-seven.

Q Fifty-seven? I am sorry. Fifty-seven years.

A I went to school with him.

Q Okay. Does B. C. have a reputation for truthfulness and veracity in the community where he lives?

What is that reputation, if you know?

A All I know is what, my savings.

Q Do you know anything about what anybody in the community has told you?

A No. No. I don't listen to the gossip.

Q Okay. Well, I am not talking about the gossip, I am talking about have you ever had any conversations with anybody - - -

A That has never come up.

Q Okay.

MR. RAMSEY: That is all. Thank you, ma'am.

CROSS EXAMINATION

BY MR. VALESKA:

Q So, you don't?

A That has never come up.

Q Okay. That is fine. Thank you.

THE COURT: Thank you, ma'am. You may step down.

THE WITNESS: Are you through with me, now?

THE COURT: Yes.

(Witness excused.)

MR. RAMSEY: Judge, if I may approach --

(Thereupon, an off the Record discussion was held between the Court and the Attorneys of Record. Upon completion of said discussion, the following proceedings were had, to-wit:)

THE COURT: We will be in recess for about five minutes. Or, would you rather just sit there?

THE JURORS: Yeah.

THE COURT: All right. Go ahead, Mr. Ramsey.

(Thereupon, Mr. Ramsey left the presence and hearing of the Court Room in order to check on his next witness and returned shortly thereafter. During that period of time, a Juror asked to speak to the Court and the following proceedings were had, to-wit:)

MR. RAMSEY: Judge, what he tells has to be in the presence of the Attorneys.

THE COURT: Let's go to a Witness Room.

(Thereupon, the Juror, the Attorneys of Record, the Court and the Court

Reporter proceeded to a  
Witness Room and the  
following proceedings were  
held out of the presence  
and hearing of the Trial  
Jury, to-wit:)

THE COURT: For the Record, this is a Juror  
that asked to speak to me. And, let  
the Record reflect that Mr. Ramsey,  
representing Mr. Money, is here, Mr.  
Money is here, and the District Attorney  
is also here. What is it that you would  
like to say?

A JUROR: I am nervous about this. You know  
yourself, I don't want to be doing no  
harm or no wrong. But - - -

THE COURT: I understand.

A JUROR: But, if I am correct, let me know.  
If I am incorrect, also let me know.  
But, Tyler Money, Todd - - -

MR. RAMSEY: That is his grandson.

THE WITNESS: I do know him. I started  
putting it all together and a lot of  
Moneys around here are kinfolks and I

wanted to say something a little earlier,  
but I didn't know how to go about doing  
it. And - - -

THE COURT: You know him?

A JUROR: I was sitting kind of uneasy - - -  
I have worked with him a few months, but  
don't know him personally.

THE COURT: The fact you know him, would  
that tend to bias your particular opinion,  
as far as the evidence is concerned,  
concerning B. C. Money? That would be  
his granddaddy, I assume. Would that  
affect you?

A JUROR: I have worked with him off and on,  
but not personally. Don't know him  
personally.

THE COURT: Do you feel that in any manner  
that would make you biased in this  
particular case?

A JUROR: I really don't know what to say.

THE COURT: I will let the attorneys ask  
questions.

MR. VALESKA: I didn't get your name.

A JUROR: Robert Kerns.

MR. VALESKA: Mr. Kerns, would you tell where

you worked with Todd Money?

A JUROR: Westpoint-Stevens. It was Westpoint Pepperill, at that time.

MR. VALESKA: How many months?

A JUROR: I don't even remember when that was.

MR. VALESKA: When we asked questions, the names were read out, did you hear that name, Todd Money, as a possible witness?

A JUROR: Well, I heard that there when we had to come back for, at 1:30.

MR. VALESKA: You didn't hear earlier in the trial?

MR. RAMSEY: He was in the bathroom.

MR. VALESKA: So, you came in and weren't in on that part of Voir Dire?

A JUROR: No. I wasn't. I couldn't hear and that is why I tried to move forward, where I could hear what was going on.

MR. VALESKA: I am not trying to trick you, but I want to ask this question, some questions that were asked on Voir Dire that you might have missed them, because you were outside? Correct?

A JUROR: It is possible.

MR. VALESKA: I am not trying to trick you.

But we asked questions, Mr. Ramsey and the Court, and until you moved up, you moved up, you might have missed some of it?

A JUROR: Yes. That is possible.

MR. VALESKA: Thank you for being honest.

A JUROR: I was raised up to be honest.

MR. VALESKA: The State thanks you for being honest.

MR. RAMSEY: We are satisfied. We have no problem with you telling us. I appreciate that.

A JUROR: I feel bad. I wished I could have said something earlier.

THE COURT: That is fine.

A JUROR: I understand when there is order in the Court, it is supposed to be that way.

MR. RAMSEY: We appreciate that.

THE COURT: If you will go on back out, we will discuss this. And, thank you for coming forward.

A JUROR: I am sorry.

THE COURT: No problem. I am glad you came forward.

(Thereupon, the Juror returned to the Court Room and the following proceedings were had, to-wit:)

THE COURT: All right.

MR. RAMSEY: We have an alternate, but I am satisfied.

THE COURT: Well, I am not so sure I am, since he was not here for all of the questioning. I don't know, does the State have any objections?

MR. VALESKA: I challenge him. The problem I have, with all due respect, he came in the Court Room and I didn't see it and I am sure that the Court didn't see it. I am trying to put Mr. Money in the penitentiary and if it is raised on appeal and is reversed on appeal, even though they waived, I would like to challenge him. We have an alternate and he could have missed some more questions. I think it is very - - - the jurors are being honest and the question was asked

would he be biased because of that relationship. He said that he didn't know Todd Money as the Defendant's grandson that I prosecuted and sent to the penitentiary for Manslaughter and Assault. He is doing state time now and was in a prison uniform when he was brought to testify. So, I am concerned.

THE COURT: The real reason the Court is concerned is because he missed some Voir Dire and obviously, there may have been other questions that could have been answered and the State could make a strike of this particular Juror. I will grant the challenge. I don't know if he is the alternate or not.

MR. RAMSEY: No, sir. He is not. Mr. Knight is the alternate. I know that.

THE COURT: We will use him and - - -

MR. VALESKA: We will go forward with the twelve we have.

MR. RAMSEY: It is good we have an alternate.

THE COURT: You ain't kidding. Back to the Court Room.

(Thereupon, all the above named parties returned to the presence and hearing of the Court Room and the Trial Jury and the following proceedings were had in the presence and hearing of said Trial Jury, to-wit:)

MR. RAMSEY: We will call B. C. Money to the Witness Stand.

THE COURT: Okay. Before we get started with that - - - well, as to the Juror that just talked to me back there and the attorneys, you are excused from this particular Jury. And, I thank, I am not sure, the clerk is not here, but I believe the rest of the Jury needs to report back at 9:00 tomorrow. If you could, report back tomorrow at 9:00. You are excused and we appreciate your honesty in coming forward and talking to me in the back and you are excused from this Jury.

(Thereupon, the Juror in question, Mr. Kerns, was excused and the following proceedings were had, to-wit:)

Thereupon,

B. C. MONEY, SR.

the Defendant, was called as a witness in his own behalf, and after having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, took the stand and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. RAMSEY:

Q Tell the Ladies and Gentlemen of the Jury your name, please.

A (No response.)

Q Tell the Ladies and Gentlemen of the Jury your name, B. C.

A B. C. Money.

Q Where do you live?

A Columbia, Route 1.

Q How long have you lived there?

A Forty years.

Q Forty years?

A Yes.

Q Are you retired, at the present?

A Yeah.

Q Where did you used to work?

A I farmed and I was in carpenter work, construction work.

Q Were you self employed most of your working career?

A Most of it. Yeah.

Q Now, have you ever lived anywhere other than the Haleburg Community?

A Well, not over seven miles from Haleburg.

Q You heard previous testimony that you lived here and left and came back?

A Uh-huh. (Affirmative response.)

Q Did you hear that?

A Yes.

Q Where did you go?

A That was -- well, you know, I went to the Army, to start with.

Q Okay.

Q Three years in the service. I come back home and

started farming and moved over to, we call it Love's Cross Roads; still on Columbia Route, about seven miles from Haleburg.

Q Other than your stint in the military, you have lived either in the Haleburg Community or within seven miles of Haleburg?

A Yes. That is correct.

Q How many children do you have?

A Five.

Q Tell us their names and where they live.

A (No response.)

Q Can you hear me okay?

A Yeah. I can hear you. Comer Money, he lives about three quarters of a mile from me.

Q Comer is Amber's mother?

A Comer is Amber's daddy.

Q Amber's mother's husband and Amber's daddy? Is that right? Excuse me. And Pat's -- Pat's husband and Amber's daddy?

A That's right.

Q Where does Comer live?

A Well, I reckon you call it Abby Creek Park Road.

Q How far is that from you?

A About three quarters of a mile.

Q How long has he lived there?

A I imagine about two years.

Q Did Amber live there when these alleged incidents occurred we are talking about now?

A No.

Q They moved since then?

A Yeah.

Q Okay. Where did they live two years ago?

A Back up behind my house.

Q All right. Who are your other children?

A Billy Gene Money.

Q Where doe Billy Gene live?

A He lives in Longview, Texas.

Q All right.

A Tommy Lee Money. He lives just a little piece from me, there in the Haleburg Community.

Q He lives in the area?

A Right.

Q Who else?

A Ruby Robertson. She lives over in Shorterville.

Q Shorterville?

A Yeah. And, Joe, he lives in Dallas, Texas.

Q Now, does Comer have any other children besides Amber?

A Yeah.

Q Okay. Tell us who they are.

A He has got three, four, five besides Amber.

Q Do any of them live around here, around the Haleburg Community?

A No, sir. One lives at Ashford.

Q Is Amber the youngest child of Comer?

A Yeah.

Q And, Amber is your granddaughter?

A That is right.

Q How old are you?

A Seventy-three.

Q What is your birthday?

A March 3rd. I mean March the 22nd of 1922.

Q Do you remember when Amber was born?

A Yes, sir.

Q Where was she born?

A Dothan, I think it was. Flowers Hospital.

Q And, have you --

A I am not for sure. I didn't go to see her when she was born.

Q Have you had regular contact with Amber?

A Yeah.

Q Up until June of '94, have you had regular contact with Amber since she was born?

A Yeah.

Q Have you ever touched Amber in a sexual way?

A In a what?

Q Have you ever touched Amber in a sexual way, on her private parts?

A No. No, sir.

Q You heard the testimony that four times you took Amber to the branch and had sexual relations with her, did you not?

A Yes, sir. I heard it.

Q Is it your testimony that none of those occasions actually occurred?

A Didn't any of them occur.

Q All right. Now, you heard her further testify that you either sexually abused or raped her in the trailer. Do you remember that testimony?

A Yes, sir. I remember.

Q Did that ever happen?

A No, sir.

Q Do you have any idea why she would get on the stand and claim that you did that?

A I have no idea on the - - -

Q Have you ever mistreated Amber in any way?

A No, sir.

Q How many times has Amanda Hadden been to your trailer out in Haleburg?

A I don't know. She has been several times. She

would come with her mama a few time and she had gotten off from the bus down there in the afternoon with her brother and Amber and Amber's sister.

Q Now, you have heard the testimony about the incident down in the hog barn?

A Yeah.

Q Did you ever take Amber and Amanda down to the hog barn?

A I didn't take they, they went.

Q How did they get there?

A They walked.

Q All right. Did they ever get on the truck and go down to the hog barn with you?

A No.

Q Did you ever walk with them down to the hog barn?

A Yes. I followed them down there.

Q Did you stop by the dog pen on the way?

A No. Not then. No.

Q On this particular occasion?

A Naw.

Q You heard the testimony about the magazines, have you not?

A Yes.

Q Now, where did you first see those magazines?

A When my wife told me that, to go get them, get them out of the house, carry them out and do something with them.

Q Did she tell you to burn them?

A She told me to burn them.

Q What did you do with them?

A I carried them out to the barn and set them out there on the shelf until I could get me enough dog feed sacks to burn them. I had to finish burning them with a tire, old car tire.

Q All right. Did you burn any of the magazines?

A All but two.

Q All but those two that we have seen here the last couple of days? Is that right?

A That is right.

Q Now, do you know where those magazines came from?

A My wife said them young'uns - - -

Q No. Not what she said. Do you know where they came from?

A No, sir.

Q Didn't your grandson live there in that room?

A Yeah.

Q What is his name?

A James Ernest Amos.

Q You had to kick him out of the house, didn't you?

A Right.

Q Because why?

A Because I had told him that he could live there as long as he stayed straight and acted like somebody and kept his room clean. I wasn't having no drinking and parties being pitched there.

Q Uh-huh. (Affirmative response.)

A So, me and my wife went to Texas on vacation and come back and when I come back, the room was all messed up, clothes throwed all over the floor and beer sitting around in the floor and a bottle of some kind of alcohol sitting on the desk. When he come in, I told him he would have to get his stuff and get out.

Q Did he do that?

A Yes, sir.

Q Did you do any kind of inventory of the room, go through the room to see what was there or wasn't there?

A No, I didn't.

Q You didn't look any further into it?

A I thought he had everything. I didn't look around.

Q Why did you keep those two particular magazines?

A Well, I got to looking at them and I found a

couple of ads in there that I thought maybe would help me, you know, build my - - -

Q Well now, I want you to tell the Ladies and Gentlemen of the Jury, I know this is some intimate testimony, but I want you to tell them specifically what type of ads you are talking about and why you kept those magazines.

A I call it courage ads, is what it was.

Q What were the - - -

A Help me build my courage up, sexual.

Q Okay. Were you having any kind of sexual problem?

A Well, it was no problem, just didn't have none.

Q You didn't have any sexual drive at all?

A No.

Q Was that because of your age or do you know?

A I don't know.

Q Okay. So, you kept these magazines because of the ads in the back of them? Is that right?

A Right. Right.

Q Now, what did you do with these two magazines?

A Put them in the tool box, locked them down.

Q All right. Now, you heard the testimony from Amber and from Amanda?

A Right.

Q And, they have told everything in the Court Room

and those twelve Ladies and Gentlemen of the Jury  
that you went over and unlocked that box, pulled  
these magazines out and showed them to them. Is  
that true?

A No, sir. That is not true.

Q Did they ever see those magazines?

A Amber had. She saw them when they was at the  
house. Amanda had never seen them.

Q Did they get them out of that tool box, these  
particular two magazines?

A Amber did.

Q All right. How did she get them out of the tool  
box if it was locked?

A I went and fed my dogs. They got on the tailgate  
of my truck and rode out to the dog pen with me.  
They rode on top of the dog box. They got on  
the tailgate and got up there. When I got out  
there, I put the feed in the drum and got my  
bucket and carried it and fed my dogs. There was  
one of them that didn't have a collar on and I  
come back, set the bucket on the drum and went  
around to the tool box to get me a collar.

Q So, you unlocked the tool box yourself?

A I unlocked the tool box myself.

Q To get a dog collar?

A Sure did.

Q Did you walk back to the dog pen?

A Not for a few minutes I didn't.

Q Okay. Did you walk away from the tool box?

A Yeah.

Q Left it unlocked?

A No. No. No.

Q You locked it back?

A I locked it back when I got the magazine and put it back in there and got the dog collar out.

Q How did Amber and Amanda ever come to see these magazines out there by the tool box?

A Well, they had started out toward my puppy brooder from the truck. They was going out toward the puppy brooder. And, well, I went to the tool box to unlock the tool box to get my dog collar and Amanda was on the right side, right end of the tool box and Amber was on the left end of the tool box. When I unlocked it and raised the lid up, Amber spied those magazines laying there. She had a hold of the chain that held the lid to keep it from going back and when she saw those magazines, she gave it, gave the chain a jerk. That is when the lid of the tool box hit me on top of the head. It knocked my cap off and it was bleeding. I was

wiping and Amber got the magazines and went to the tailgate of the truck and had it open on the tailgate of the truck. Her and Amanda were looking at it.

Q Were they giggling or acting silly?

A They were acting like little girls usually do, laughing, going-on.

Q Okay. Did you know those magazines were in that tool box when you opened it up or had you forgotten?

A Yeah. I knew they were in there.

Q You knew they were still there?

A But, I was there after a dog collar out of the tool box. And, when Amber saw the magazine, undoubtedly she recognized it.

Q Did you ever pick the magazine up and hand it to either Amanda or - - -

A No. No. I did not.

Q Did you ever say anything to them after Amber grabbed the magazine and went to the tailgate of the truck?

A I asked her to bring me the magazine back. And, she wouldn't do it. I had to go and take it away from her and put it back in the tool box.

Q Did she have one or two?

A One.

Q One was still in the tool box? Is that right?

A That is right.

Q You took it away from her and put it back in the tool box?

A When I got it away, I put it back in the tool box.

Q What happened after that?

A I locked the tool box back.

Q Did you ever go down in the hog barn?

A Not then. No.

Q Did you go later?

A I went and put the collar on the dog, come back to get in the truck, and Amber and Amanda - - - Amber had done got over in the brooder where the puppies was. Amanda was standing on a five gallon can holding the brooder trying to get up in there. And, she was standing there shaking and I told her to get down before it turned over. I told Amber to get out of the brooder. She didn't do it so I reached over and took the puppy down off of her shoulder, she had the puppy on her shoulder petting it, rubbing it, and I took the puppy away from her and lifted her up, brought her out of the brooder and gave her a spank with my hand on the rump. I told her now, mind me from now on.

Q All right.

A So, they started toward the house while I went and got in the truck. I come back to the house and they caught on to the tailgate and rode back to the house.

Q Now, did they ever go in the hog barn and start playing with some shingles?

A Not then.

Q Okay. That was a different occasion?

A No. Same occasion, but when I got to the yard and switched off, they was going down across the yard to the branch. I asked them where were they going and they said:

We are going to the branch. Come on. Come on, granddaddy, go with us.

I said no, I ain't going down there. It is thick, might get on a snake. That didn't slow them down, they kept going. I asked them two or three times to come back. No. Well, I knew there was snakes in that branch, around that branch, so I didn't go down in there. But, I went down to the edge of the woods out toward the road, where the water washed sand in there where it was almost to the branch. And, they had done crossed over the branch and started up the hill. I told them don't y'all

go up there. Come on. We are going back to the house. And, we - - - I walked up the branch and found a place where I could cross and I crossed the branch. Well, Amanda wasn't too far behind me. She come up and jumped and hit in the water and I caught her hand and helped her on out. Amber jumped and I caught her, put her across the branch. Well, they come on out, come on up through the yard and I followed. By the time I got to the yard, they had done got past the road that turns to go down to my hog pen and I asked them where they was going.

We are going on down here to the barn. Come on and go with us.

I said no, I ain't going.

Granddaddy, come on.

They kept going. They didn't slow down.

Q All right.

A I told them, I said there is wasp nests and could be some snakes out there under some of that old lumber.

Q This is old lumber in the hog barn? Is that correct?

A Old lumber in the hog barn.

Q All right, sir.

A Then we went on out there.. Well, I followed them on out there in case they got hurt, I would be the fault; they was with me.

Q Okay.

A I got there and they was all over the barn, going, running around in there. And, Amber said something about granddaddy build us a play house or something. I said I don't know nothing about building no play house.

Come on, you know you can build a play house. I said no, I don't know nothing about building no play house. She said:

Take some of these old shingles here.

There was a pile of shingles that one come off of. It was laying there, about, a little over half a bundle, I imagine. I got some of it and she said:

Take these and make a floor, build a floor out of them.

Q Did you help Amber and Amanda laying the shingles down?

A They didn't narie one lay one down.

Q Why not?

A They was playing. And they told me, Amber told me:

Granddaddy, lay them on the ground for a

floor.

I started laying them and I said, I imagine that I had five or six of them laying out and Pat called Amber and Amber answered her.

Q Where had Pat called from?

A Just outside the barn.

Q Did she holler Amber's name or call out loud  
or - - -

A She called Amber's name loud.

Q Where were you and Amber and Amanda, at that time?

A I was in there laying them shingles on the ground and Amanda was in about mid ways the barn, up in one of them pens and Amber was at the other end of the lane when Pat called her.

Q Did you ever ask Amanda to pull down her pants?

A No, sir.

Q Did you ever at any time get on top of Amanda and pull her pants down?

A No, sir. No. No. Not no other occasion. No. But, when Pat called, I said well, maybe I can get some rest, now. They had been running me and I had been trying to keep up with them all the evening. When Pat called, I said well, I might as well start picking these shingles up and put them back on the pile.

Q Did you pick them up and put them back on the pile?

A I picked them up and laid them on top of the pile there where I was at. She saw me putting them on the pile and the young'uns was done out of the barn, going toward the house.

Q Okay.

A They went on to the house and me and Pat walked to the house together.

Q Has Amber ever told you that she had a secret and she would tell you the secret if you promised not to tell anybody else?

A She did.

Q All right. When was that?

A I can't remember the date, but it was before, it was before this date that I was talking about when she got off the bus, that Amber had something to tell me.

Q Okay. Who was with you when she told you this?

A Nobody. Just me and her.

Q Where were you?

A Walking out toward the dog pen.

Q Was it one day after school?

A After school. Yeah.

Q Did she come home just about every, by home, did she come to your house about every afternoon?

A She stopped there just about everyday when she got off of the bus. She stopped there just about everyday when she got off of the bus. She stopped at my house.

Q So, you and she got out and walked toward the back of the house?

A She rode with me out to the dog pen just about every time I went out there, if she was home.

Q Okay. On this specific occasion when she told you about this secret, where were you going?

A Going to the dog pen. Going to feed the dogs.  
Yeah.

Q Were you walking or in the truck?

A Walking. Yeah.

Q What did she tell you?

A Her secret?

Q Yeah. What did she tell you?

A She said:

Granddaddy, I have got something to tell you  
if you won't tell mama.

I said what is it, Amber? She said:

You promise me you won't tell mama.

I said okay. Well, that is when she told me that her and Jimmy had sex. I said Amber, you better go talk to your mama. Did you ever say anything

to her mother or anybody about that?

A No.

Q Why?

A Because I had made her a promise I wouldn't tell anybody and I let it go at that.

Q You promised her that you wouldn't tell? Is that right?

A That is right. I did.

Q And, you didn't?

A No, sir. I didn't.

Q Did you ever mention this to your wife, later?

A No. I don't think I did. I did way later, after this all come up. Yeah, I did.

Q After these allegations came to the front, then you told your wife about it?

A Right. Right.

Q But, not prior to that?

A No. No.

Q Those are your cards? (Produces an exhibit for examination.)

A (Witness studies the exhibit in question as requested.) Yeah. They look like them.

Q Who gave them to you?

A Pat.

Q When did she give them to you?

A I went down to her house one evening and she met me there in the dining room and said:

Here. I got something for you.

I said what is it?

Q Was there any special occasion, was it your birthday or anniversary or anything?

A No. Hu-huh. (Negative response.)

Q Did she call you down there to give them to you or you just happened to be there?

A I was walking in through the dining room and she, about the time I got to the end of the cabinet or counter, she said:

I got something here.

Seems like she said somebody had given them to her to give to me. But, she is the one that give them to me.

Q That was my next question. Do you know where she got them from?

A Earl Robertson. I believe she said Earl Robertson.

Q If you remember?

A Earl Robertson, the best I can remember.

Q There is no doubt in your mind that Amber's mother gave you those cards?

A Right.

Q Now, where did you get the other deck of cards?

A Todd brought them to me.

Q Todd, your grandson? Is that right?

A Right.

Q Where did you keep those cards?

A The top chest of drawers in my bedroom, behind some books and letters and some socks and underwear.

Q Did you consider them hidden?

A I sure did.

Q Did you ever show those cards to Amber?

A No.

Q Did you ever show those cards to Amanda?

A No.

Q Do you have any idea how Amber would have known those cards were in that drawer?

A Yeah. Well, let me drop back just a minute. I first, whenever I first got them from Todd, I put them in a drawer in the back bedroom desk drawer. And, she got to rambling around in there, looking and I don't know what she was looking for, she is always looking for something another. And, she found that deck of cards.

Q In a different drawer?

A Yeah. Uh-huh. (Affirmative response.)

Q So, you moved them from there?

A I moved them from there and called myself hiding

them. I put them in the chest of drawers then.

Q How do you know she found them the first time?

A My wife found her with them.

Q She told you?

A Yeah. I had to do something with them.

Q So, you don't really know how she knew they were in this other drawer, other than perhaps - - -

A I don't. The only thing that I can figure out is we had band aids in there in the same drawer and she got up there to get a band aid and started racking around in there, I reckon, and found them.

Q You never saw her with the cards, did you?

A No. No.

(Thereupon, an off the Record discussion was held between the Attorneys of Record. Upon completion of said discussion, the following proceedings were had, to-wit:)

MR. VALESKA: Jackie, bring the movie in; Mr. Ramsey wants to see it. Do you want the TV?

MR. RAMSEY: No. Just the movie itself.

(Thereupon, the above mentioned VCR movie was brought into the Court Room and the following proceedings were had, to-wit:)

BY MR. RAMSEY:

Q Now, you have heard a lot of mention about the movie *Screwballs*, haven't you?

A In fact, I rented one.

Q All right. Look at that. Does that look - - - (Produces the VCR movie in question for examination.)

A (Witness studies the VCR movie in question as requested.) I can't look at it on the outside and tell that.

Q Can you see that? Can you see the name of the movie there on the front, written right there?

A *Screwballs*. Yeah.

Q Okay. Does that appear to be the movie that you rented?

A Probably one like it.

Q You rented the movie Screwballs, didn't you?

A I did. Yeah.

MR. RAMSEY: Mark that.

(Thereupon, Defendant's Exhibit Number 9 was marked for identification by the Court Reporter. After that, the following proceedings were had, to-wit:)

MR. RAMSEY: Judge, I subpoenaed all the video rentals of Mr. Money from Mrs. Duke, who runs the place where this movie came from. Now, if he doesn't want me to use it as his exhibit, I will get her in here and take - - -

MR. VALESKA: He is marking my exhibit. This did not come from where Mr. Ramsey said. This is from the Movie Gallery, because the movie Mr. Ramsey is talking about was sold. All I am asking is he marking my exhibit.

MR. RAMSEY: Yes. Yes, sir. Yes. I intend to.

MR. VALESKA: You plan to offer my exhibit?

MR. RAMSEY: Yes.

MR. VALESKA: Go ahead. No objections.

THE COURT: Let me ask this. What is the purpose of this?

MR. RAMSEY: Just to show that it is an R Movie, not an X rated movie like they contended. As a matter of fact, it is marked on the category of comedy.

THE COURT: What if the Jury wants to look at it?

MR. RAMSEY: They are certainly free to. We have no problem with that.

THE COURT: All right.

BY MR. RAMSEY:

Q Does that appear to be - - -

MR. VALESKA: Whoa. Whoa. Whoa. Judge, that is Movie Gallery's property. The District Attorney's Office is not going to pay for that. I have no problem

with Mr. Ramsey wanting to submit a copy that was made of that movie as long as Movie Gallery can have the original. I am not paying eighty or one hundred and twenty bucks for that movie.

THE COURT: Why don't y'all just stipulate to the fact that, in fact, the movie is rated R and then we don't have to introduce it. Do you want to do that?

MR. RAMSEY: I will stipulate that it is a R and it is categorized as a comedy.

MR. VALESKA: I don't want to do that. I will pay for the movie if I have to. Let the Jury see it.

THE COURT: Well, if it is going to be brought in for one purpose, maybe it needs to be brought in for all purposes.

MR. RAMSEY: If I may, they are the ones that have been screaming the movie Screwballs, Screwballs, Screwballs. I want the Jury to see what they are talking about.

MR. VALESKA: I will be glad to pay for it so they get to watch it and make their own opinion. Go ahead. Let it in.

THE COURT: Okay. Is there any objection to

it coming in?

MR. VALESKA: No, sir.

THE COURT: Let it be admitted.

(Thereupon, Defendant's  
Exhibit Number 9 was  
received in evidence.

After that, the following  
proceedings were had,  
to-wit:)

BY MR. RAMSEY:

Q Does that appear to be the movie you rented;  
Screwballs?

A I rented one, a Screwballs, but whether or not  
that is the same one or not, it might be a  
different chapter.

Q Okay. I understand. You don't know if that is  
the same one?

A It could be two or three chapters of it.

Q That is fine.

THE COURT: Just a minute. Y'all approach.

(Thereupon, an off the Record discussion was held between the Court and the Attorneys of Record. Upon completion of said discussion, the following proceedings were had, to-wit:)

MR. VALESKA: Judge, for the Record, the Record will show what he rented from this place in Columbia, they sold their copy. As far as I know, there is only one copy of Screwballs, there is not different-type ratings. I have no problem. I plan - - - when it is my turn to show them some of the parts and ask some questions - - -

THE COURT: If it is, in fact, the same movie with the same rating that he bought at Movie Gallery, fine. I just want to know. Sometimes they put out several ratings on several movies that may be cut or uncut or so forth. But, if it is the same and y'all stipulate it is the same,

then let it be entered.

MR. VALESKA: I have no objections. Let it in.

THE COURT: Okay.

BY MR. RAMSEY:

Q Now, who did you watch this movie with, if you remember?

A Yeah. My wife, Amber, and James; Pat's son.

Q Okay. Now, did you know what this movie was about before you put it in the VCR?

A No.

Q Now, you heard Amber testify that this movie has depictions of a man and a woman having sex, to paraphrase. You heard her say that, didn't you?

A Uh-huh. (Affirmative response.) Yeah.

Q Do you recall that being in that movie?

A No.

Q Do you recall any - - -

A There was some naked women come up in it. Yes.

Q Do you think that is something that Amber ought to be looking at?

A Well, I will tell you what she said. My wife was sitting there and said:

Turn it off.

Amber said:

I have seen worse than that.

So - - -

Q Watching the movie Screwballs? Is that right?

A Right.

Q Had you ever watched any other videos with Amber?

A No. Hu-huh. (Negative response.)

Q This is the only one that you watched with her, ever?

A Yeah. I think she had been down there when I had some others, but there wouldn't be no sex or nothing in it.

Q Did you know what was going to be in this video before you put it in?

A No. No.

Q Why did you rent the movie?

A I had never seen it.

Q You just rented it to watch?

A Right.

Q Had somebody recommended the movie to you or had you heard about it anywhere?

A Ain't nobody said nothing. I didn't ask nobody about it, I just looked at the name Screwballs and I rented it.

Q All right. You see on the outside of this cover that it says Category comedy, do you not?

A (Witness studies the exhibit in question as requested.)

Q Can you read that?

A Yeah.

Q Would you -- you watched the movie. Would you consider that movie a comedy?

A It was to me.

Q Okay. Okay. After this conversation about the secret Amber had with you, did she ever bring up sex in your presence again?

A No. Only -- well, I ain't going to mention -- she did ask me, she did ask me if me and granny have sex.

Q All right. She asked you about that?

A She did.

Q When was that?

A That was after she told me about her and Jimmy. In fact, we was going back to the house; we had been to the dog pen and were going back to the house. She asked me did me and granny ever have sex. I told her that wasn't none of her business.

Q Do you obtain an erection?

A Do what, now?

Q Can you obtain an erection? Right now, can you?

A I don't know.

Q Can you obtain an erection?

A Obtain an erection?

Q An erection? Can you get an erection?

A I don't fully understand what the word means.

Q Now, you were telling the Ladies and Gentlemen of the Jury that you were looking at these magazines because of the ads, right? What were the ads for?

A It was for some pills.

Q Some pills?

A Yeah.

Q What were the pills supposed to do?

A Build courage.

Q To help you get an erection? Isn't that correct?

A That is right.

Q So, you were having trouble, is that not correct?

A Right. Right. Right.

Q Are you still having trouble?

A Sure.

Q Did you ever touch Amanda in her vagina area?

A No.

Q Have you ever?

A No.

Q Have you ever told Amanda to lay down in the hog

barn on this roofing material?

A No.

Q Have you ever attempted to put your penis into  
Amanda's vagina?

A No.

Q Do you have any idea why she would say that?

A I have no idea.

Q Have you ever attempted to have sex with Amber?

A No.

Q On five separate occasions?

A No.

Q Have you ever done it on even one occasion?

A No.

Q Do you love Amber?

A I love her to death.

Q She is your grandchild?

A Right.

Q Would you ever do anything to hurt her?

A No, sir. I never have and I never will.

Q Do you have any explanation or idea whatsoever  
as to why she would come in and take the Witness  
Stand and swear to this Jury that you have  
attempted to sexually molest her or rape her on  
five separate occasions?

A I don't have no idea.

Q Okay.

MR. RAMSEY: That is all I have. Thank you.

THE COURT: Okay.

MR. VALESKA: Do you want to go forward or stop?

THE COURT: Let's go ahead and stop, this would be a good time to stop. Mr. Money, you may step down, at this time.

(Witness excused.)

THE COURT: Ladies and Gentlemen of the Jury, at this time, we will recess until 1:30 tomorrow afternoon. Again, remember the instructions I gave you before about listening to any, looking at any TV accounts or listening to any radio accounts or reading the newspaper or anything like that. And, do not discuss this case among yourselves or with any members of your family or friends and do not let anybody discuss this case with you. With that, you may be recessed until 1:30 tomorrow afternoon. Thank you.

(Thereupon, the Trial Jury proceeded to their homes for the evening with the above instructions from the Court and a recess was called and taken by all parties. During said recess, Hurricane Opal arrived and court was delayed until approximately 1:50 on Friday, October 6, 1995. At that time, all parties returned to the presence and hearing of the Court Room and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Okay. Bring them in.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and

the following proceedings  
were held in the presence  
and hearing of said Trial  
Jury, to-wit:)

THE COURT: Ladies and Gentlemen of the Jury,

I appreciate your patience here since we  
have had the hurricane and we have all  
had to kind of readjust the schedules. I  
appreciate the District Attorney and also  
Mr. Ramsey in doing this this afternoon.  
We originally thought about doing it  
tomorrow morning, but I know that creates  
a hardship on you and I am sorry that I  
am a little late. I had to readjust  
things I had coming from Dothan, but I  
am ready to proceed at this time. Mr.  
Money, I believe you were on the Stand.  
Is that correct?

THE DEFENDANT: Yes, sir.

(Thereupon, the Defendant,  
B. C. Money, Sr., took the  
Witness Stand and the  
following proceedings were

had, to-wit:)

THE COURT: Mr. Ramsey, I believe you were through?

MR. RAMSEY: Yes, sir.

THE COURT: Mr. Valeska.

MR. VALESKA: Thank you very much, Judge Little.

CROSS EXAMINATION

BY MR. VALESKA:

Q Mr. Money, when you talked to Clyde Hornsby and you talked to one of the social workers at the same time, did you tell the truth in the statement that you gave them?

A Yes, sir.

Q Now, I want to ask you in the statement, did you tell them whether you drank alcohol or not?

A I drank a bottle of beer every once in a while. I used to, I don't - - -

Q Did you tell them that you don't drink? You did, didn't you? In this statement, didn't you tell them:

COURT OF CRIMINAL APPEALS NO. 95-0268

## APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF HENRY COUNTY, ALABAMA

CIRCUIT COURT NO. CC-94-065 thru CC-94-070

CIRCUIT JUDGE LAWSON LITTLE

Type of Conviction / Order Appealed From: Rape 1st on CC-94-065, 066, 067, &amp; 069

Sexual Abuse on CC-94-068 &amp; 070

Sentence Imposed: 99 yrs on CC-94-065; 99 yrs on 066; 99 yrs on 067; 99 yrs on 069;

Defendant Indigent:  YES  NO 10 yrs on CC-94-068; 10 yrs on CC-94-070

B. C. MONEY

William Christian Maddox (Appellant's Attorney) P. O. Box 738	334 793-6493 (Telephone No.)
(Address) Dothan	AL (State)
(City)	36302 (Zip Code)

NAME OF APPELLANT

V.

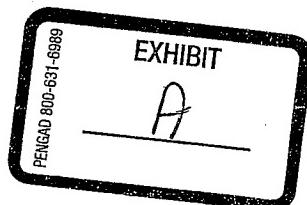
## STATE OF ALABAMA

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter name and address of municipal attorney below.

NAME OF APPELLEE

(For Court of Criminal Appeals Use Only)



I do not drink.

That is true, isn't it?

A If you call touching about a teaspoonful at night drinking, well, I did.

Q Okay. But, my question is, please answer it; did you tell them you did not drink? Is that what you told them?

A (No response.)

Q You did, didn't you?

A I don't remember what I told them if I drank or not.

Q Let me show you on page twenty - - -

A I drink a bottle of beer along.

Q Are you telling me now you remember you told them that you don't drink and that is not true? Which is it?

A Well, the way I look at it, whenever you are drinking, you just turn up a pint of whiskey and drink three or four swallows out of it and when you are drinking beer, you drink about a six pack. I call that drinking.

Q Okay.

A But, taking about a teaspoonful just every once in a while of whiskey, I don't call that drinking.

Q But, isn't - - -

A And, drinking one beer about once or twice a week,  
I don't call that drinking.

Q In your statement, you said:

I don't drink.

Didn't you?

A Probably did.

Q I will show you on page twenty, to refresh your  
memory, and I underlined it. You were asked by  
Beth and Clyde and your response was: (Reading  
from the statement in question.)

I don't drink.

That was your response? Correct?

A (Witness studies the statement in question.)

Q In fact, you said I don't drink two times. Take a  
look at it.

A I can't see - - - (Putting on glasses.) Do what?

Q It says:

I never do. I don't drink.

Is that correct, Mr. Money?

A (No response.)

Q I will circle it. Right? That is what it says?  
Right?

A One time.

Q I will go down four more lines on the same page and  
you say again, is it not true:

I do not drink.

That is the second time, correct?

A I don't.

Q Please keep your glasses on, if you need them.

Do you deny that?

A As far as being an alcoholic or something like that,  
no, I don't drink.

Q But, what you responded to, Mr. Money, you didn't  
say I am not an alcoholic, you said I don't drink,  
I don't drink, is what you told Beth and Clyde  
Hornsby? Is that correct?

A Probably is. I don't drink like an alcoholic or  
something like that.

Q How long have you been drinking?

A (No response.)

Q A long time?

A No. Hu-huh. (Negative response.)

Q Let's talk about the red tool box. Remember the  
red tool box?

A Yes, sir. I do.

Q In fact, let me show you some pictures, if I  
could? State's Exhibit Number 3, State's Exhibit  
Number 9, that is the red tool box? Correct?

(Produces the exhibits in question for examination.)

A (Witness studies the exhibits in question as

requested.) Yeah. That is the tool box.

Q You would agree that was locked, you kept it locked and had the only key? Is that correct?

A Well, my wife had one, I am pretty sure.

Q What else was in the red tool box besides what you said were dog collars and the two Swank magazines? What else did you keep in there, Mr. Money?

A There was, I reckon - - -

Q Moonshine?

MR. RAMSEY: Judge, he is trying to answer the question.

THE WITNESS: It was about, I imagine there was a little over a pint of moonshine in there. Yeah.

BY MR. VALESKA:

Q You said you drank the moonshine for medical purposes, you and your wife? Is that correct?

A Right. Right.

Q So, the beer you drank, was that for medical purposes, too?

A That was refreshment.

Q Now, I want you to tell the Ladies and Gentlemen of the Jury, it is true this red box right here, State's Exhibit Number 3 and Exhibit 9, you would agree when Amber and Amanda both said that red box was down at the dog pens in Henry County on Tommy Lee Money's property, that is true, was it not?

A Sitting right where it was. Yes.

Q That would be correct? Is that true?

A That is right.

Q And, you would agree that you went down there to the red box with Amanda and Amber? Is that correct?

A No.

Q Would you agree that they were down there with you?

A They were down there with me.

Q Would you agree that you unlocked the red box? Yes or no?

A Yeah. Yeah. I unlocked it.

Q And, would you agree that when you went down there, both of those little girls were under twelve years old when you took them down there? Is that correct?

A Yeah.

Q How old are you, Mr. Money?

A Seventy-three.

Q How old were you, at that time?

A Seventy-two.

Q Now, let's go back. You heard Amanda testify, would you say that it is true that she watched the movie Screwballs with you and your wife, that was true, wasn't it?

A No.

Q That is not true?

A No.

Q Mr. Money, when you testified, I believe it was not quite two days ago now, on Direct Examination, did you watch with Amber?

A Amber. Yeah.

Q Amber Money?

A Yeah.

Q The question is you did watch the movie Screwballs with her?

A Yeah.

Q The whole movie?

A Yeah.

Q You called it a comedy? Is that correct?

A Exactly.

Q Now, would you agree, if I show you a picture, I mean a signature of the movie Screwballs, would you agree -- - you need to put your glasses back on.

Go ahead. I am going to circle it and ask you if that is your signature where it says B. C. Money, the movie Screwballs, rented from Columbia Video on June 5, 1994? That would be true? Is that correct? (Produces the document in question for examination.)

A (Witness studies the document in question as requested.) That is my signature. Yes.

Q That is the same thing that Amber said, that you rented it and watched it with her just before election day, which would be on or about June 6th or 7th. Would you say that was fair? Is that correct?

A I don't remember just exactly what day it was. It was around the time we voted. I don't remember if it was before the date or after the date.

Q Let's go back to your nephew. You said that you went to Texas with your wife and your nephew was living there? Is that correct?

A Yes, sir.

Q What is your nephew's name?

A James Ernest Amos.

Q How old was Mr. Amos then?

A He was about nineteen.

Q Okay. Nineteen years old, when would that have

been? Could you tell me what year that was,  
Mr. Money?

A '93, I think it was.

Q 1993? Mr. Amos would have been how old, you said  
nineteen?

A (Witness nods his head to the affirmative.)

Q Nineteen.

A About that. I don't know exactly how old he was.  
He was about that.

Q 1986, that was in 1993, 1986, that would be seven  
years before 1993, looking at that figure. Would  
you agree with that? Seven years difference  
between 1986 and 1993? Correct?

A (No response.)

Q I am not trying to trick you. Do you agree that  
is fair, 1993 - - -

A Six from thirteen is seven.

Q And, if Mr. Amos was nineteen, in your best  
recollection, if you subtracted seven from that,  
that would make him about twelve years old in  
1986. Would that be fair to say? Close?

A (No response.)

Q You don't see any reason to disagree? Twelve,  
thirteen, would you agree that is fair?

A You mean to say he wasn't but twelve years old?

[redacted] Is that what you are trying to make me say?

Q No, sir. I am not trying to make you say that, I am just asking questions. I am saying in 1986, would it be fair to say - - -

A I would say he was nineteen years old, regardless of what you are trying to figure out.

Q Yes, sir. Just answer my questions, please. Would you tell the Jury, he stayed in your house for how long?

A Two, three months.

Q Did you tell Beth or Clyde it was at least a year? You did, didn't you?

A No, I didn't.

Q You didn't?

A No, sir.

Q Now, you say six months? Is that correct?

A I didn't say six months.

Q Yes, sir. I want to show you what you told Beth or Clyde. Your answer was it was about a year, might have been over a year ago. Is that what you said? Is that right?

A It was in '93.

Q Okay. Now, my question is, you mentioned, you told the Jury on Direct Examination when you came home from Texas with your wife, you came in and

[redacted] there was magazines all over the place and beer?

Is that what you said?

A No. I didn't say magazines.

Q What was all over the place?

A Clothes.

Q No magazines?

A No.

Q Would you agree there was beer sitting out there, beer and some kind of drinks all over the table?

A No. I said there was beer sitting beside the bed and one bottle of some kind of drink sitting on the desk.

Q And then you also said in your statement:

I don't have no drinking or nothing like that in my house.

A Right. Right. I did say that.

Q But, you admit that you kept beer and drank it in there, also?

A Well, that was my house.

Q Yes, sir. But, my question was, you told them that you had no drinking in your house or any beer and you had beer in your house, didn't you?

A Sure. I have had beer in my house.

Q Let's go to the lock on the red box. You had the key and your wife had a key and you went down

[redacted]  
there and unlocked the locked box, what you said  
the collars? Is that correct?

A Dog collars.

Q Anybody see that injury to your head?

A Yes.

Q Who?

A Pat's husband saw it and I imagine Pat saw it.

Q That is what you are saying? Is that correct?

A Right.

Q The cards, let's talk about the cards, if we could?

One set of cards, two sets of cards marked as

State's Exhibit Number 4? Is that correct, Moe?

Those are the only two sets of cards that you ever  
had or were talked about? Is that fair to say?

A That is exactly right.

Q Who gave you the cards? I want you to tell me.

A Todd Money gave me this deck of cards here.

Q These, just for the record, the ones that say - - -

A They - - -

Q Excuse me just a minute. They - - -

A If you hadn't changed them, I don't know what  
y'all done since you had them up here. But, if  
they haven't been changed, these are the ones that  
Pat give me, Pat, sitting right there. (Witness  
indicating.)

Q Yes, sir. I see her.

A And, those are the ones that Todd gave me.

Q Now, I want you to take a look at the pictures of these women showing their private parts and tell me how I have changed them in any manner or fashion.

A Well, I don't know.

Q Take a look and tell me if they are changed.

A Well, I don't know.

Q They have not been changed in any way, are they?

A I don't know.

Q You don't want to look at them?

A I ain't never looked all the way through them.

Q Pat give you these? You are sure?

A No. Pat gave me these.

Q And, Todd Money gave you these?

A That is right.

Q You are sure that nobody else gave them to you?

A Sure I'm sure.

Q Just like you are sure that you didn't rape Amber?

Is that correct?

A That's right. I did not.

Q Just like you are sure that you didn't rape Amanda?

A Right.

Q Just like you didn't sexually abuse either one of them?

A No, sir. I did not.

Q Now, did you tell something different to Clyde or Beth as to who gave you the cards?

A No, sir.

Q You are sure? Are you sure, Mr. Money?

A I told them Pat give me these, Amanda's mother. I mean Amber, Amber's mother.

Q Who is Joe?

A Joe?

Q Someone in your family is named Joe, related to you, who is it?

A Joe Money, my son.

Q Okay. Did you tell Clyde that Joe gave you those cards?

A No, sir.

Q Let's look at the statement on page give. When Clyde asked you the question:

What about the deck of cards with the rubber band around it with the red backs?

I think we are talking about those; would you say that is correct?

A (No response.)

Q I want you to see what your answer was. If I am

wrong, before you read it, you told me, you said  
Pat gave you those?

A Right.

Q And, Todd Money gave you these? Correct? The ones  
that say Lips?

A The ones in the box.

Q Look on page five of your statement when you were  
asked about the cards. I am going to read it to  
you and I want you to put your glasses on. I will  
read it to you word-for-word.

A I know what I told them.

Q Did you say that Joe gave you some cards?

A No, I did not.

Q Let's look at it together and see. (Reading from  
the statement in question.)

Response. B. C. Comer and Pat. Well, Pat  
gave them to me.

That is what it says?

A Right.

Q (Continues reading.)

They went somewhere and found them and told  
me we want to give you these.

A No. I didn't say that.

Q Not on the tape?

A No, sir.

Q Let's go forward and we will play the tape.

(Continues reading.)

I told her, I said I already had some that Joe gave me.

A Well, I said Joe, but I meant Todd.

Q Well, did you say Todd or did you say Joe?

A I don't remember. But, if I said Joe, I meant Todd.

Q But, it says Joe gave them to me? Is that right?

A I have got a son named Joe and a grandson named Todd, but Todd is the one that gave me the cards.

Q I will ask you again. Anything else in the statement that you told Clyde or Beth that is not true that you are mistaken? Do you know of anything else?

A I don't know what you got, all you got in there.

Q You have not read your statement and gone over it with your lawyer, Mr. Ramsey, not one time? You have, haven't you?

MR. RAMSEY: Judge, that is not relevant whether he has gone over the statement.

MR. VALESKA: Sure, it is. It is Cross Examination.

THE COURT: I overrule.

BY MR. VALESKA:

Q Have you gone over what you told Beth or Clyde  
in your statement? Didn't you, Mr. Money?

A No.

Q Not one time?

A No.

Q Now, let's talk about, it is true there is a  
branch down there behind your house? Correct?

A Yeah.

Q And, there is a pond down there? Correct?

A Not behind my house.

Q Across from the hog barn, the shed? Right?

A Right.

Q Just like Amber and Amanda said? Correct? It is  
true, isn't it?

A After you told them, I heard them say it.

Q Okay. Thank you. Your answer would be yes, sir  
or no, sir?

A There is a pond there.

Q Would you also agree that the road that comes off  
of the paved road by your trailer goes back up  
there behind the hog barn, the dog pens where the  
red box was and the pond and all the way up there  
to where Amber was living; that is a dirt road,

[REDACTED] is it not, on Tommy Lee Money's property? Is that true?

A Yes, sir.

Q You would also agree that you went in the hog shed with Amanda and Amber, didn't you?

A Yes, sir.

Q And, it is also true that the shingles were placed on the ground inside the shed, in the hog barn? That is true, isn't it?

A I put them down them. Yes, sir.

Q And, you agree State's Exhibit Number 10, this shingle, you would agree that is one of the shingles, would you not?

A Looks like one of them. Probably come off of the same pile. Hornsby and them went down there and looked around and I reckon that is where he got it.

Q Amber is your granddaughter? Right?

A Right.

Q You love her, don't you?

A Yes.

Q When Clyde or Beth asked you about whether they would tell the truth, do you remember that question?

A Beth ain't asked me anything.

Q Clyde Hornsby?

A Right.

Q Did you tell Clyde Hornsby that either Amber or Amanda would not tell the truth, they would tell stories? You didn't, did you?

A No. I didn't tell them that.

Q In fact, you described them, as you described, as mouthy, didn't you?

A Well, they are.

Q You love Amber with all your heart? Right?

A Right.

Q You care about her welfare? Right?

A Sure.

Q Want to make sure that nothing happens to her?

A You better believe it.

Q You want her to grow up safe and secure? Is that right?

A Right.

Q Now, you spanked her, didn't you?

A Yes, I spanked her.

Q You spanked her because she wouldn't dance for your wife?

A No. No. That is not correct.

Q Did you leave a mark on her? That is true, isn't it?

A I didn't pay no attention to it.

Q You didn't pay any attention to the mark, but my question to you, Mr. Money, is after you spanked your granddaughter that time, she cried, didn't she?

A I don't remember if she cried or not.

Q Do you remember when her mother came home and her mother came to discuss with you about you hitting or striking her daughter? You remember that, don't you?

A Well, if she ever mentioned anything about striking her daughter, I don't remember it.

Q Now, I want you to tell the Ladies and Gentlemen of the Jury that you said you needed some courage? Is that correct? That is what you had the magazine for, courage?

A Yeah.

Q Your wife told you to burn them and get rid of all of them, didn't she?

A Yeah.

Q Is it your testimony, under oath, at this time, you are having a normal sexual relationship, weekly, every two weeks with your wife? Is that what you are telling this Jury during this time?

A No, sir. I don't.

Q Would you agree that you are in better physical condition than your wife?

A Well, health wise.

Q Yes, sir. Health wise.

A I really don't know what her health is, nor mine either.

Q Now, she has lived with you for fifty-two years? Is that right?

A I haven't had a checkup in several years.

Q I want you to tell - - -

A I don't know what is wrong with me and what is not.

Q Yes, sir. But, your wife, would you say you don't know what her health is, either?

A Really and truly, I don't. She goes to the doctor every month - - -

Q Does she have a poor memory? She doesn't, does she?

A What?

Q Does she have a poor memory?

A Well, it is pretty good.

Q Now, I want you to tell the Ladies and Gentlemen of the Jury, the movie, Screwballs, you watched it? Is that right?

A Yeah. I watched it.

Q And, when you were testifying earlier this week, you said when the movie came on, Mr. Ramsey asked you why you would let your little granddaughter, who was seven years old, watch a movie like that? Do you remember that question?

A No.

Q Do you remember what your answer was?

A (No response.)

Q Do you remember what you said - - -

A He never asked me that question.

Q Why did you let your granddaughter watch that movie?

A It wasn't no bad movie, I didn't think.

Q Are you telling the Ladies and Gentlemen of the Jury there is nothing sexually explicit about that movie for a seven year old?

A It was not an X rated movie.

Q Well, is it only if it is X rated that you don't want your granddaughter to see it?

A If it had been X rated, I wouldn't have showed it.

Q Are there women in there without their clothes on?

A Yes.

Q Are there people in that movie showing that they are having sexual intercourse? Yes or no?

A I didn't see it.

Q Is there a young girl that sits on a bed with a teddy bear and hunches it on her vagina area, is that on that movie?

A I don't remember.

Q Does the movie start off with two girls standing between a giant hot dog while it bumps them in the buttocks and they make remarks? Do you remember that?

A No.

Q Does the movie show a man and a woman on a bed having sexual intercourse and making animal sounds, going meow? Do you remember that?

A No. I don't. In fact, I don't care that much about remembering things that is on a movie.

Q You watched the whole movie with her though, didn't you?

A I watched it and it went out. That was it.

Q The one time -- go ahead. I don't want to interrupt you.

A When I watch it like that, it is out and I don't have nothing else to think about it. Ain't nothing but something to look at and then forget.

Q Did you rent Girls From Starship Venus? You did, didn't you?

A I don't know.

Q Well, let me show you if this is your signature.

If you need your glasses, put them on. Is that your signature? (Produces a document for examination.)

A (Witness studies the document in question as requested.) Yeah.

Q Romeo and Julia? Is that your signature, B. C. Money?

A Yeah.

Q Made To Order, B. C. Money?

A Hu-huh. (Negative response.)

Q That is not your signature?

A No.

Q Sex Appeal. B. C. Money?

A No. That one is mine.

Q Blaze is yours?

A Yeah. That is my signature.

Q Playboy Video Centerfield.

A Yeah.

Q B. C. Money?

A Yeah.

Q Screwballs is yours, correct?

A Yes, sir.

Q Loose Screws?

A No.

Q Truck Stop? That is yours, isn't it?

A That is mine? No.

Q The Hit List is not yours?

A No.

Q Dream Babies? Is that yours?

A Yeah.

Q Joe Kid?

A Where is the signature?

Q Okay. How about Intimate Strangers? Is that yours?

A I don't see it.

Q What about right here, Intimate Strangers, B. C. Money. That is yours, isn't it?

A That is mine.

Q You said there was no sex in your statement to Clyde on Screwballs? Is that correct?

A Not to my remembrance, it was not.

Q Okay.

MR. VALESKA: Judge, I want to play some of the movie, with the Court's permission. It has been entered as a Defense Exhibit.

MR. RAMSEY: Judge, I would object to playing any portion. If he wants to play the whole tape, then let him show the whole

tape.

MR. VALESKA: This is Cross. I have the right to show him the sexual parts and I want to ask questions.

THE COURT: I will allow it to the extent that Mr. Valeska asked questions about portions of the tape.

MR. VALESKA: I am going to show three.

THE COURT: Which Mr. Money denied seeing. So, those portions would be relevant.

MR. RAMSEY: For the Record, I object on the grounds - - -

THE WITNESS: I didn't deny seeing it, I said I don't - - -

THE COURT: Mr. Money - - -

MR. RAMSEY: Wait a minute, B. C.

THE COURT: Look; I can't hear two or three people at the same time. You will not speak in this Court until you are asked a question. Do you understand me?

THE DEFENDANT: Okay.

THE COURT: Okay.

MR. RAMSEY: Judge, for the Record, I would object to showing a portion of the grounds that it is inflammatory to the

Jury. It has been entered in evidence and if the Jury wants to view it, then they can view whatever or the whole portion that they want to in the Jury Room. But, to show a portion that Mr. Valeska talked about which he knows are possibly the highly inflammatory portions of the tape. I feel like it is improper.

THE COURT: I think he has the right to show those portions he has denied seeing as a matter of testing his credibility in this trial. And, I overrule you.

BY MR. VALESKA:

Q I want to refer you specifically to page eleven when they talked to you about the movie. Clyde says: (Reading from the statement in question.) What was she doing in the movie?

You said:

They wasn't having sex. No.

That was your response, wasn't it?

A Well, I reckon so.

Q That is what it says, isn't it, Mr. Money?

A That is what he wrote down there, somebody did.

THE COURT: Now, I will say this, also. Mr. Valeska can play portions and - - -

MR. VALESKA: They can watch it all.

THE COURT: - - - if the Jury wants to see the whole thing, they are welcome to see it in the Deliberation Room. It is a matter of evidence.

MR. VALESKA: We will be glad for them to watch it.

THE COURT: Go ahead.

(Thereupon, the TV and VCR were set up by the District Attorney and the following proceedings were had,  
to-wit:)

BY MR. VALESKA:

Q Can you see it from there, Mr. Money?

A Yeah.

Q You don't need your glasses on?

A I couldn't see it with my glasses on, if I was

[redacted]  
to put them on.

(Thereupon, the VCR tape, Screwballs, was played in open Court. During the playing of said tape, a Juror asked for a break and the following proceedings were had, to-wit:)

THE COURT: Do you need to go to the bathroom?

MR. VALESKA: (Stops the tape.)

(Thereupon, a Juror left the presence and hearing of the Court Room and returned shortly thereafter. After that, the following proceedings were had, to-wit:)

MR. VALESKA: Just for the Record, I am almost through with the video. There is not even a couple of minutes and I

will be finished.

THE COURT: Okay.

(Thereupon, the remaining portion of the video was played in open Court.

After that, the following proceedings were had,  
to-wit:)

BY MR. VALESKA:

Q Now, you watched the video, didn't you, Mr. Money?

A Yes.

Q Now, could you tell the Ladies and Gentlemen of the Jury if the girl lying on the bed with the teddy bear, what was she doing with the teddy bear?

A I didn't see no teddy bear.

Q Just like you didn't rape Amber or Amanda?

Correct?

A I didn't see no teddy bear on there.

Q What was the boy and the woman doing the meowing, what were they doing on the bed? Can you tell the Jury?

A Well, I didn't see anything, but just a man and a

woman.

Q Now, you were married, did you have any daughters?

A Yeah. I have a daughter.

Q What is your daughter's name?

A Ruby.

Q Ruby Money Robertson? Is that correct?

A Right.

Q And, you would agree that she would know your general reputation in the community for truth and veracity, would she not?

A (No response.)

Q Would you say that is fair, she would know what your reputation is in the community for truth and veracity? Yes or no?

A I doubt it.

Q Would you let Ruby, at six or seven years old, watch the movie Screwballs, your own daughter?

A Well, at six years old, she would not know about what they were trying to do.

Q But, you told this Jury that Amber knew all about sex, didn't you?

A Well, whenever I started the film off and it showed that naked woman, my wife said:

B. C., turn that off.

And, Amber said:

Oh, granny, I have seen worse than that.

Q Yes, sir. That is what I want to ask you.

A Yes, sir.

Q You didn't have Amber leave then, did you?

A No, I didn't.

Q You let her watch that movie just as - - -

A Watched it all the way through.

Q You told the Jury under oath that she talked about having sex with juveniles? Yes or no?

A Yes, sir.

Q You didn't tell her mother, did you?

A No, I didn't.

Q You didn't tell your own flesh and blood, your own son, about his daughter, did you, not one time?

A No. I didn't tell him. I told her to tell him.

Q Is it not - - - who was the adult, you or her?

A I was the adult.

Q Who was the person responsible for her welfare and being when you had custody of her? You were, correct? True?

A I didn't have custody of her.

Q When she was in your custody, baby sitting, watching her when she came home from school, when you took her out there to the dog pen and rode with her and

did things with her, when you watched that movie, who had custody of her right then and there, watching out for her welfare? You did, didn't you, Mr. Money?

A Yeah.

Q When her parents came to pick her up, her mother or your own son, Comer Money, not one time, looking after the welfare of your own granddaughter, did you tell the parents that you need to talk to your daughter about these things, did you?

A No.

Q When you said to Clyde that she used the term cum, C-U-M, you never discussed that with her parents, did you?

A No, I did not.

Q You heard cum on there, on the movie, didn't you?

A Yeah.

Q Aren't you the one that told her about that, Mr. Money?

A I didn't tell her.

Q Did you tell her - - -

A No, sir. I asked her.

Q Can you tell the Ladies and Gentlemen of the Jury when she pulled down her pants, like you said that day out there at the dog pen or the hog pen, she

pulled her pants down and when you saw her mother walk up that very day, you didn't say:

Your daughter pulled her pants down. You need to talk with her.

You didn't, did you?

A She didn't pull her pants down.

Q Mr. Money, you told Clyde Hornsby that when she was standing, she pulled her pants down. I didn't say her panties, I said her pants.

A She was standing up on the tail gate of my truck, jumping up and down and had her hands - - -

Q And pulled her shorts down?

A No. She just pulled the outside pants down as she jumped up and come down. Yes, sir. I told him that.

Q Now, you have never had a problem with Pat before you got arrested, have you?

A Do what?

Q Before you got arrested, you never had a problem with Pat?

A No.

Q You didn't have a problem with your son, did you?

A Yes, sir.

Q Well, let's talk about that fight. You hit him with a cane, didn't you?

A Yes, sir.

Q You split his skull open, didn't you?

A No.

Q Shot at him, didn't you?

A I split the hide on his head.

Q You shot at him, too, didn't you?

A Yeah. I shot at him.

Q My question is to you, he didn't get a warrant for you, did he?

A I was in my house and he was, too. And, he brought a gun with him.

Q Did you get a warrant for him, Mr. Money, for him trying to hurt you? You didn't, did you?

A No, I didn't.

Q In fact, after that episode, he still came to your house to see you and visit? Is that correct?

A Yeah. He come down and begged me to forgive him for what he done. Yes, sir.

Q And, my question to you is his wife and your granddaughter, his daughter, came and still stayed with you after that, didn't they? Correct?

A The granddaughter did.

Q Came to visit? Is that right?

A Yeah. I was in the right. I had a right to protect my house.

Q You were in the right when you wouldn't tell her parents, Amber, about what you say she was doing? Were you in the right then and not looking out for - - -

A I told Amber to tell them. And, I promised Amber that I wouldn't tell if she told me what she did. She asked me not to tell.

Q How many months did this go on that she did these things and talked with you about this?

A Oh, not many.

Q One month, two months? Just one time, Mr. Money? It was more than one? Right?

A No. Twice. Twice she - - -

Q She asked you about you and granny having sex?

A Right. That was the same.

Q You didn't tell her mother about that?

A No.

Q You have never had a problem with Amanda Hadden before, have you?

A No.

Q In fact, she is related to you by blood? Correct?

A Right.

Q Never had a problem with her parents, have you?

A No.

Q Now, let's talk about Amanda. She has never come

to you and discussed anything sexual with you, has she?

A No.

Q Would you agree the day that you went down to the hog barn or shed, they were both wearing shorts that day? That would be true?

A Oh, they had on shorts.

Q Yes, sir. Would you agree when you came out of the barn, you were sweating and tired?

A Yes, sir. I was. That is right.

Q And, you would agree that Amber's mother, Pat, at one point, came and was looking for y'all? Is that right?

A She come and hollered.

Q Would you agree that you got in your truck and the girls were already in the back of the truck and you went back to the house? Is that true?

A No. No.

Q What kind of ad did you need for courage? What kind of ad were you using? Tell us.

A (No response.)

Q What kind of ad in those magazines? Tell me.

A I was looking -- I found an ad in there to build my courage, if you know what I mean?

Q I want you to tell me what I mean.

A Get up a hard.

Q Get up a hard for who, two little girls?

A For me.

Q For you?

A For me.

Q And, your wife?

A My wife and I - - -

Q Why would you have to get up a hard, Mr. Money,  
if you were not having a relationship sexually  
with your wife, what was the hard for? Was it for  
Amanda and Amber?

A I hadn't had one for Amber and Amanda. I didn't  
even have one for my wife.

Q Yes, sir. And, you were seventy-two or seventy-three,  
at that time?

A That is right.

Q Let's look at the magazines. Swank. That is one  
of them, isn't it?

A I don't know.

Q Take a look at it. That is your magazine.

A No, it ain't.

Q Mr. Money, do you want to look these Jurors in the  
face and tell them these two magazines, with people  
having sexual intercourse, licking people's private  
parts and doing sex were not your magazines?

A No, sir. They are not my magazines. They were found in my house, but they weren't brought in there by me.

Q They were found in your house?

A Right.

Q Would you agree that one of the articles says:

Blow job school for wives.

Is that what it says? Sex acts? Correct?

A I didn't read all that.

Q Did you look through the pictures?

A I looked through the ads, is what I looked through.

Q Okay. Look this Jury in the face and tell them, Mr. Money, these were not your magazines.

A They was not my magazines.

Q Who owned them at the time, when you say Amanda and Amber saw them? Who owned them?

A I did. They was in my tool box.

Q You had already gotten rid of your grandson's and burned all except you kept these two?

A Kept them two.

Q You kept them in this red tool box?

A Right.

Q And, you kept the key? Right?

A Right.

Q When did you place them in there?

A When I burned the others.

Q When was that?

A I don't know.

Q Give me a guess, your best judgement.

A It wasn't but a day or two after my wife told me to get them out of there. I don't know what day.

Q Do you want to look through here and show me in either magazine your courage ad, which one you used?

A I didn't use nary one. I said I found some in there that I might want to use.

Q You didn't order anything?

A No, I did not.

Q Okay. And, you admit that you kept them in the red box for many months?

A Not many months, several months.

Q And, you go out and look at them? Right?

A Once in a while.

Q Was this one of the ads:

Add three inches to your penis.

Is the one that you wanted?

A No. No.

Q How many times did you go out and look at them?

A I didn't need that.

Q How many times did you go out and look at them in

the box?

A I don't know. There wasn't nobody with me when I went out there and looked at them.

Q You didn't want anybody to see you with these? Right?

A That is right.

Q Because you knew that they were nasty magazines? Correct?

A That is the reason I had them in the tool box and had it locked.

Q But, you let two little girls go out there that were six and seven years old, you unlocked that tool box to get a dog collar out knowing those little girls were out there by you? Right?

A No. They come up, one come up on the right side of me when I went down to unlock the tool box. The other one was on the left. When I raised up, the tool box lid, well the one on the left, which was Amber, she caught the chain that held the tool box lid from going back and give it a jerk and it come across my head there. She went around to the other side where Amanda was and got the one magazine.

Q One magazine?

A Right.

Q Now, you would agree that the tool box is kind of deep? That red box? Correct?

A It is. Yeah.

Q How tall would you say it was?

A About twenty-four inches.

Q At least longer than the arm length of a seven year old girl?

A Yeah. It is deeper than that.

Q Deeper than an arm?

A Yeah.

Q You unlocked the box and opened it up?

A Right.

Q There was a tray on the top of it, wasn't there?

A No.

Q No tray?

A One right at the end, about that wide, but it was stationary.

Q That helped block what is on the bottom underneath the box, wouldn't it? Would you say that is fair?

There is a tray on the top and you open it up -- --

A Amanda was standing on my right.

Q Yes, sir.

A She did not see the magazine. Amber was on my left and the magazine was kindly under that tray on the right side and she saw it from that side.

Q Okay.

A But, she knew what it was where she had seen them before.

Q That is what you say? Right?

A You right.

Q My question is to you, there is a box with a chain on it and you say that she pulled the chain and hit you on the head with it? Is that right?

A When she went around behind me to get to the magazine, she pulled that chain.

Q And, it went down, didn't it?

A The lid come down.

Q Hit you in the head, didn't it?

A Right.

Q Then when it hit you on the head, the box closed, didn't it?

A No, it didn't.

Q The box stayed open, this big heavy box hit you on the head and didn't go back down when she pulled the chain?

A That is right. Because I was - - -

Q Isn't what really happened, Mr. Money, is - - -

A I was up over the box, getting a dog collar out when that box come over and hit me. That lid come over and hit me on the head.

Q Did it bounce back up when it hit you on the head and lock? Can you tell me that?

A No. It didn't bounce up and come back and lock.

Q It went back down?

A No. I held it until I got the collar out and then I took the magazine away from the child. They had it on the tail gate of my truck.

Q Okay.

A I asked them to bring it to me and they didn't do it. And, I had to go and take it away from them, bring it back and put it in the box.

Q Would you agree that this picture right here, two women and one man doing sexual acts, would you want your daughter, at seven years old, to look at these?

A No, I wouldn't.

Q And, would you agree that if your father and your grandfather knew about that, you would want him to tell you if your little seven year old Ruby was looking at these so you could talk with her? You would agree that is fair, wouldn't you, Mr. Money? Yes or no?

A Well, after he seen her, after if he seen her with it, there wasn't nothing he could do. Wouldn't have been nothing I could have done, because she

had done seen it.

Q You said on the tape that she said that she had seen worse than that? Correct?

A Right. She did say that she had seen worse than that.

Q Did you discuss with her, right then and there, what was worse than that? You didn't, did you?

MR. RAMSEY: Judge, we have already been through this.

MR. VALESKA: I asked what was discussed at that point.

THE COURT: Overruled.

BY MR. VALESKA:

Q Did you discuss what she had seen that was worse than that?

A No. I didn't discuss it. If she had already seen it, there is nothing for me to discuss with her.

Q Did you tell your own wife about the magazines out at the hog barn? You didn't, did you?

A No. I had them locked up. You know, there was no need to tell her.

Q You didn't want your wife to know you still had

[REDACTED] them and that is why you didn't tell her? Right?

A Really and truly, I didn't want her to know I was going to order anything to help me.

Q Yes, sir. But, my question was to you, you didn't tell your own wife that your own granddaughter saw those Swank Magazines with that sex stuff in them that day, did you?

A No.

Q You didn't, did you?

A No, I didn't.

Q Can you tell the Ladies and Gentlemen of the Jury, the last question I have for you, Mr. Money; when you saw your granddaughter Amber, as well as Amanda, have the chance to look at those magazines again, again that day, after you locked them back in the box, you still didn't destroy or burn them to get rid of those magazines, did you?

A They never did see them no more.

Q That is not the question. After two little seven year old girls looked at them again and saw those nasty pictures and you an adult, you still didn't destroy them or get rid of them, did you? You locked them back in the box?

A I locked them in my box. Yes, sir. I did.

MR. VALESKA: That is all.

THE COURT: Okay. Mr. Ramsey.

REDIRECT EXAMINATION

BY MR. RAMSEY:

Q B. C., why did you spank Amber on the time we have been talking about?

A Why did - - -

Q Why did you have to spank Amber? You heard Amber tell us that you spanked her because she wouldn't dance for her grandmother. Is that right?

A That was just a tale.

Q Why did you spank her?

A She was getting up on the stool to the counter, me telling her to stay down. My wife was fixing dinner.

Q And, you spanked her because she kept climbing up on the stool?

A Right. Right.

MR. RAMSEY: That is all.

THE COURT: Anything else.

RECROSS EXAMINATION

BY MR. VALESKA:

Q Did you save those two magazines to show them two girls for another day? Is that what you did?

A Man, are you crazy? No.

MR. VALESKA: No more questions, Your Honor.

THE COURT: Anything else?

MR. RAMSEY: No, sir.

THE COURT: Okay. You may step down. Mr. Money, you may step down.

THE DEFENDANT: Okay.

(Witness excused.)

THE COURT: Anything else?

MR. RAMSEY: I don't think so, but let me make sure.

THE COURT: Okay.

(Thereupon, an off the Record discussion was held between the Defendant and his Attorney of record, the

Honorable Richard H. Ramsey,  
IV. After that, the  
following proceedings were  
had, to-wit:)

MR. RAMSEY: No, sir. The Defendant rests,  
Your Honor.

DEFENDANT RESTS

MR. VALESKA: I have a rebuttal witness,  
Ruby Money Robertson.

MR. RAMSEY: Your Honor, it is my understanding  
that this witness has been in the Court  
Room all the first two days. She has  
heard all the testimony that has been  
presented and now Mr. Valeska wants to  
call her to the Witness Stand.

THE COURT: Okay. Is that true or not?

MR. VALESKA: I can't tell you, I have surely  
not been watching the - - -

MR. RAMSEY: My client informed me, judge.  
I don't know.

THE COURT: Well, I know who has been in  
here. Where is she?

MR. VALESKA: She is coming.

THE COURT: Well, I can tell.

MR. VALESKA: I can also point out that when they put on their character witnesses, he had been in the Court Room and testified about character. I let that go. All she is going to testify to is about character, not facts at the trial. That is still within your discretion, whether you allow her, if she was in or not, and I am not saying she was. I can't answer that.

THE COURT: Again, I am not sure if character is the only reason for the testimony and no other questions that would be, probably permissible. Let me see her. I am not sure who she is.

MR. VALESKA: Here she comes.

THE COURT: This is who, now?

MR. VALESKA: Ruby Money Robertson, his daughter.

THE COURT: Okay.

MR. VALESKA: One of my witnesses told me that she did come in the Court Room for a short time and went right back out,

judge.

THE COURT: Yes. She was in here, they were sitting right back over there with a blond headed lady.

MRS. ROBERTSON: Yes, sir.

THE COURT: Who was the blond headed lady?

MRS. ROBERTSON: A friend of mine.

THE COURT: I believe a gentleman was sitting next to her. Is that correct?

MRS. ROBERTSON: I don't remember.

THE COURT: I do remember her being in the Court Room for a short period of time. I am not sure how long.

MRS. ROBERTSON: I was up here when Mr. Hornsby was on the stand.

THE COURT: You were not even here - - - how many days have we been doing this?

MR. VALESKA: Judge, I will make a preoffer on the two questions I wish to ask her.

THE COURT: At the first of the trial, I don't think you were here.

MRS. ROBERTSON: No, sir.

THE COURT: All right.

MR. VALESKA: Judge, the questions I would ask her is, after I qualify her as to

who she is, does she know B. C. Money, Sr.'s general reputation for truth and veracity in the community. If she does, is it good or bad. Then, I will ask her would she believe B. C. Money, Sr., under oath. Then the last question is does she know Amber Money and would she believe Amber Money, under oath. That is not any facts, but general character that they have already interjected. That would be the limited purpose for Rebuttal on her.

THE COURT: Let me ask you this. When you were in the Court Room, who was testifying, if you know?

MRS. ROBERTSON: Mr. Hornsby.

THE COURT: Okay. And, would the fact that you heard Mr. Hornsby testify as to facts in this particular trial, affect whether or not you could answer the questions of whether or not you know the general reputation of B. C. Money in the community for truth and veracity?

MRS. ROBERTSON: No.

THE COURT: Or, the other two questions that

the District Attorney proposed to use,  
does that matter what you heard Mr.

Hornsby, the Investigator in this case,  
say?

MRS. ROBERTSON: Really, all I heard him say  
was something about some shingles.

THE COURT: All right. Go ahead.

STATE'S REBUTTAL EVIDENCE

Thereupon,

RUBY MONEY ROBERTSON

was called as a witness in behalf of the  
State of Alabama, and after having been first duly  
sworn to testify to the truth, the whole truth, and  
nothing but the truth, took the stand and testified  
as follows, to-wit:

DIRECT EXAMINATION

BY MR. VALESKA:

Q For the Record, tell the Jury your name please,  
ma'am.

A Ruby Robertson.

Q B. C. Money, Sr., are you related to him?

A Yes, sir.

Q How are you related to him?

A He is my father.

Q Do you see him in the Court Room?

A Yes.

Q What color of coat does he have on?

A Brown. (Witness indicating toward the Defendant.)

MR. VALESKA: Let the Record reflect that she has indicated the Defendant.

BY MR. VALESKA:

Q I don't want to be personal, but how old are you, ma'am?

A Forty-four.

Q Of the forty-three or forty-four years of your lifetime, have you come to know the general reputation for B. C. Money, Sr., your father, in the community where you live and he lives as for truth and veracity? That is a yes or no.

A Truth? No, sir.

Q Okay. Would you believe him under oath, if he testified?

A No, sir.

Q Now, are you related in any fashion to Amber Money?

A She is my niece.

Q Yes, ma'am. Would you tell the Ladies and Gentlemen of the Jury her general reputation in the community for truth and veracity? Is it good or bad?

A Very good.

Q Would you believe her under oath, if she testified?

A Yes, sir.

MR. VALESKA: That is all I have. Pass the witness.

MR. RAMSEY: We have no questions.

MR. VALESKA: She can step down.

MR. RAMSEY: Your Honor, if I might - - -

(Thereupon, an off the Record discussion was held between the Defendant and his Attorney of Record, the Honorable Richard H. Ramsey, IV. After that, the following proceedings were had, to-wit:)

MR. RAMSEY: No, sir. We don't have anything.

THE COURT: You may step down.

(Witness excused.)

MR. VALESKA: The State rests.

STATE RESTS

THE COURT: Anything for the Defendant?

MR. RAMSEY: No, sir.

TESTIMONY CONCLUDED

THE COURT: Okay. Let's take a five or ten minute break. Ladies and Gentlemen, you are excused for five or ten minutes.

Thank you.

(Thereupon, a recess was called and taken by all parties. Upon completion of said recess, all parties returned to the presence and hearing of the Court Room and the following proceedings were held out

of the presence and hearing  
of the Trial Jury, to-wit:)

THE COURT: Okay. You can bring them in.

(Thereupon, the Trial Jury  
was returned to their places  
in the Jury Box and the  
following proceedings were  
held in the presence and  
hearing of said Trial Jury,  
to-wit:)

THE COURT: Okay. Mr. Valeska, you may state  
your case to the Jury.

MR. VALESKA: Thank you. (States the State's  
Closing Argument to the Jury.)

THE COURT: Okay. Mr. Ramsey.

MR. RAMSEY: Thank you, judge. (States the  
Defendant's Closing Argument to the Jury.)

THE COURT: Thank you, Mr. Ramsey. Mr.  
Valeska.

MR. VALESKA: (States the State's final  
Closing Argument to the Jury.)

THE COURT: Okay. Gentlemen, do y'all need a

break or do you want me to charge?

MR. VALESKA: I will do what the Jury wants.

MR. RAMSEY: I am ready.

THE COURT: Okay. Ladies and Gentlemen, you have heard the conclusion of the Closing Arguments and now is the time where the Court charges you on the law in the case. I will give the general instructions I give in most cases and will be specific in giving the law in each particular Indictment and what the evidence is that you need to look for. I won't read the Indictments to you again, but there are four charges of Rape, First Degree and two charges of Sexual Abuse in the First Degree and we will go over that in just a minute. Now, the Indictment in this case is not evidence and I think I explained that to you before in this case. And, the fact that the Defendant is charged with the offenses by these Indictments, and I have read those Indictments to you, is not to be considered by you, the Jury, as a circumstance against the Defendant. But,

the Indictment is merely a formal method by which the charges are brought when the Defendant is placed on trial. The Defendant has entered pleas of not guilty to each of these charges and he is simply saying to you that he is simply not guilty of the charges found in the Indictments. Now, the Defendant, as I told you before, is presumed to be innocent until he is proven guilty, beyond a reasonable doubt, by the evidence in this case. He comes into Court clothed with this presumption and this presumption follows him throughout the proceedings of this trial until the evidence produced by the State convinces each of you beyond a reasonable doubt of his guilt. The presumption of innocence is to be regarded by you, the Jury, as a matter of evidence to which the accused is entitled. In the Defendant's case and in all cases where the Defendant pleads not guilty, the burden is on the State to convince each member of the Jury, beyond a reasonable doubt,

as to the truth of the material allegations contained in the Indictment. Reasonable doubt. It is a doubt which would justify an acquittal and it must be a doubt for which you have a reason, arising from the evidence or any part thereof, or any lack of evidence, and remaining after a careful consideration of the testimony such as reasonable, fair-minded and conscientious men and women would entertain under all of the circumstances. The State is not required to prove guilt beyond all doubt, but beyond reasonable doubt. If there is a conflict in inferences that may be drawn from the evidence or some fact in the case, the Jury should draw an inference consistent with the innocence of the Defendant. You base your decision only on the evidence submitted in the Court Room. Not everything you saw or heard in the Court Room is evidence. Testimony, writings, objects, and other things presented during a trial are evidence. Statements made

by the lawyers are not evidence and should not be used as evidence in this trial. Once the evidence is admitted, only the Jury can determine two essential things about it. First, whether or not it should be believed. And second, how important it is. You should make these two decisions about each part of the evidence by using your own common sense as reasonable men and women. You should not imagine things that cannot be proved by the evidence submitted in the trial. You must consider all the evidence submitted in the trial by bias, prejudice, or sympathy to each side and you must be equally just to both sides and your verdict must not be based on suspicion, conjecture or speculation. You are the sole judges of the evidence in this case and the credibility of the witnesses. You may accept or reject any part of the testimony you consider worthy of belief. In determining the weight to be accorded the testimony of any witness, you may

consider the demeanor of the witness on the Witness Stand, his or her apparent candor or evasion or the existence or nonexistence of any bias or interest in the case. You may take into consideration any matter you would consider in your own every day affairs in passing upon the truthfulness and the accuracy of the testimony in this case. You should weigh the testimony in the light of your common observation and every day experiences and reach a verdict based upon the truth, as you determine it, from all of the evidence in this case. It is your duty, as Jurors, to follow the law as stated to you by the Court. Now, the guilt of the Defendant may be proved by circumstantial evidence as well as by direct evidence or by a combination of both types of evidence. Circumstantial evidence means it is not any direct, positive eye witness evidence of any person who saw the commission of a crime. But, it is the events that happen and the circumstances surrounding

it. And, when the State relies on circumstantial evidence, either in whole or in part to convict a party charged with the commission of the crime, the degree of proof must be the same. This does not mean, however, because the testimony is circumstantial, that you should disregard it and not consider it because it is circumstantial. But, it does mean you must be satisfied, beyond a reasonable doubt, as to the guilt of the party on trial regardless of what kind of evidence is relied upon by the State to establish the guilt of the Defendant in this case. If you believe that any witness has testified willfully and falsely about any material matter in this case, you may completely disregard the testimony of that witness and refuse to believe anything he or she has told you. Or, you could take what you believe to be the truthful part of the testimony and give it what credit and weight you feel it should have. Or, you can disregard the testimony

that you find to be willfully false in this case. Now, in this particular case, the Defendant has taken the Witness Stand in his own behalf. The law gives him that right and that privilege. When he does so testify, you would not be justified in rejecting his testimony and setting it aside and saying you will not believe it because he is the Defendant and is interested in the result of your verdict. But, when you weigh and consider his testimony, you can take into consideration the fact that he is interested in the result of your verdict and you can give to his testimony such weight and credit as you deem it entitled to. Now, those are the general instructions in the case that you need to pay attention to. They are instructions given in almost every case and at this time, the Court will actually instruct you as to the law in the case. In CC94-1065, the Indictment reads B. C. Money, Sr., whose name is otherwise unknown to the Grand Jury, a

male, did engage in sexual intercourse with Amber Celest Money, a female, by forcible compulsion in violation of Title 13A-6-61 of the Code of Alabama, against the peace and dignity of the State of Alabama. There are three similar indictments and I won't read them all to you. I have read them to you before, but there are three Rape First Degree Indictments in this case involving Amber Celest Money. Each of those has the same wording that I read to you previously. Then we have one Rape, First Degree in this particular case, this particular Indictment in Case Number CC94-069 that says: The Grand Jury of said county charged, before the finding of this Indictment, B. C. Money, Sr., whose name is otherwise unknown to the Grand Jury, a male, did engage in sexual intercourse with Amanda Hadden, a female, by forcible compulsion in violation of 13A-6-61 of the Code of Alabama, against the peace and dignity of the State of

Alabama. So, we have three Indictments alleging B. C. Money, Sr., a male, did engage in sexual intercourse with Amber Celest Money, a female, by forcible compulsion. And, we have one Indictment stating the same thing, that B. C. Money, Sr., a male, engaged in sexual intercourse with Amanda Hadden, a female, by forcible compulsion. So, let me define the law as far as what is Rape in the First Degree is concerned. Each of those Indictments, except for the name change in one, have the same elements. That is B. C. Money, a male, did engage in sexual intercourse with the victim, a female, by forcible compulsion. This is what the law says, as far as Rape in the First Degree: A male commits the crime of Rape in the First Degree, if he engages in sexual intercourse with a female and does so by forcible compulsion. To convict, the State must prove, beyond a reasonable doubt, each of the following elements of Rape in the First Degree. Number one, that the Defendant

in this case, B. C. Money, Sr., a male, engaged in sexual intercourse with, in three Indictments with Amber Money and one Indictment with Amanda Hadden, a female. And, the Defendant did so by forcible compulsion. And, in number three, the Defendant acted intentionally and knowingly. Now, sexual intercourse has it's ordinary meaning and occurs upon any penetration, however slight. And, emission is not required under the law of Alabama. Forcible compulsion, what does that mean? It is the physical force that overcomes earnest resistance or it is a threat, expressed or implied, that places a person in fear of death or serious physical injury to himself or another person. If you find, from the evidence, that the State proved beyond a reasonable doubt each of the following elements of Rape, First Degree as charged in the Indictment, then you should find the Defendant guilty of Rape, First Degree. If you feel like the State failed to prove any of the

elements of the Indictments of Rape, First Degree, beyond a reasonable doubt, then you cannot find the Defendant guilty of Rape, First Degree. Now, I said the third element first, is that B. C. Money, a male, engaged in sexual intercourse with a female. Number two, that he did so by forcible compulsion, and we defined what that was. And number three, he acted knowingly and intentionally. Under the law, knowingly and intentionally is defined as follows: A person acts intentionally with respect to a result or to conduct when his or her purpose is to cause the result or to engage in that conduct. A person acts knowingly with respect to conduct or to a circumstance when he is aware that his or her conduct is of that nature or that the circumstance exists. Now, that is what Rape in the First Degree is. Again, these terms, if you do not understand these terms after you have deliberated and you need to ask the Court any questions, I will

be glad to come back in and we will go over these again, also. Two of these Indictments are for Sexual Abuse in the First Degree where the victim is less than twelve years old. In Case Number CC94-70, the Grand Jury of said county charged that B. C. Money, Sr., whose name is otherwise unknown to the Grand Jury, he being sixteen years of age or older, did subject to sexual contact, Amber Money, who is less than twelve years of age, in violation of 13A-6-66 of the Code of Alabama against the peace and dignity of the State of Alabama. In the other Indictment in the case, CC94-67, the same allegations are alleged in this particular case, that B. C. Money, Sr., a male, whose name is otherwise to the Grand Jury unknown, a male, did engage in sexual abuse with Amber Celest Money, a female - - - excuse me. I am sorry. In that particular case, B. C. Money, Sr., whose name is otherwise unknown to the Grand Jury, he being sixteen years of age or older did

subject to sexual contact, Amanda Celest

Money - - - Mr. D. A. - - -

MR. VALESKA: That is Amber.

THE COURT: Come up here just a minute.

(Thereupon, an off the  
Record discussion was held  
between the Court and the  
Attorneys of Record. Upon  
completion of said  
discussion, the following  
proceedings were had,  
to-wit:)

THE COURT: Okay. In that particular case,  
it is actually the same Indictment,  
except in this particular case, Amber  
Celest Money in one indictment she is  
named that way and in the other Sexual  
Abuse Case, it is just Amber Money. The  
Court tells you they are the same person.  
It is just the middle name is used in  
one Indictment. The two Sexual Abuse  
Cases, in the First Degree, in this  
particular case, CC94-68 and CC94-70,

in which two allegations of B. C. Money,  
Sr., him being sixteen years of age or  
older did subject to sexual contact,  
Amber Celest Money in one Indictment and  
Amber Money in another Indictment, who  
is less than twelve years of age, in  
violation of 13A-6-66 of the Code of  
Alabama. Now, what is Sexual Abuse in  
the First Degree? How is that defined  
under the law of the State of Alabama?  
A person sixteen years of age or older  
commits the crime of Sexual Abuse,  
First Degree, if he subjects another  
person less than twelve years old to  
sexual contact. To convict, the State  
must prove, beyond a reasonable doubt,  
each of the following elements of  
Sexual Abuse in the First Degree: That  
the Defendant in this case, B. C. Money,  
Sr., subjected Amber Money in one  
Indictment and Amber Celest Money in the  
other Indictment to sexual contact. And,  
that in this particular case, Amber  
Money and Amber Celest Money being the  
same in both Indictments, was less than

twelve years old, at that time. And, the Defendant was sixteen years of age or older at that time and that the Defendant acted knowingly and intentionally. What does sexual contact mean? It means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. If you find, from the evidence, that the state proved beyond a reasonable doubt each of the elements in those particular two Indictments that I read to you of Sexual Abuse, First Degree as charged, then you should find the Defendant guilty of Sexual Abuse in the First Degree. If you find that the State has failed to prove, beyond a reasonable doubt, any one or more of the elements of the offense of Sexual Abuse, First Degree as charged, then you should find the Defendant not guilty of Sexual Abuse, First Degree. Now, again, I gave you the elements that it must be knowingly and

intentionally and it is the same definition I gave you under Rape, First Degree and I won't give you that particular instruction again. I have prepared verdict forms for you; there are actually, in this case, ten verdict forms. In each case there will be three Rape Cases and there is a verdict form in each case that you can find the Defendant guilty or not guilty. There are verdict forms for the two Sexual Abuse in the First Degree cases, I am sorry, there are four Rape Cases for the verdict forms and two verdict forms in both Sexual Abuse in the First Degree Cases where you can find the Defendant guilty or not guilty. And, I will give these forms to you at this time. The first thing you need to go back and deliberate and choose a Foreperson. This verdict must be unanimous. That means all twelve of you must agree upon your verdict, whether or not it is guilty or not guilty. It has to be unanimous,

either way. The Court will be happy to explain to you any of the things I have just gone over with you about these things. If there is any question about any definition under the law that I need to go over with you again, I will be glad to. Sometimes we do that mighty quick and sometimes it is confusing. Sometimes it is confusing to me. The terms are sometimes general and you may not understand those. But, if you have any doubt whatsoever, just knock on the door, tell my Bailiff you need further instructions in the case and tell him what you need. He will come talk to me and we will bring you back in and I will be happy to do this again with you. So, with that, I will give you the verdict forms and you will take with you the evidence submitted in this case and you can consider that. At this time, you may go deliberate your verdict.

MR. VALESKA: Did you have any charges?

THE COURT; Oh yeah. I am sorry. I am.

glad you informed me of that. The state requested some charges in the case. And, the parties are able to do that and the Court has the option of granting certain charges or rejecting certain charges or granting some and rejecting some. It is up to the Court. In this particular case, the State has requested some charges. I am going to allow them to give those particular charges to you and you are to take these particular charges as if the Court will be giving these charges to you. They are correct propositions of law, under the State of Alabama, and you are to take this as a part of the Court's Oral Charge. Mr. Valeska, I have the charges here that I have marked given if you would like to read them to the Jury.

MR. VALESKA: Yes, sir. Thank you. (Reads the State's Requested Charges to the Jury as allowed by the Court.) Thank you, judge.

THE COURT: Yes, sir. Are the attorneys satisfied with the Court's Oral Charge

at this time?

MR. VALESKA: The State is satisfied.

MR. RAMSEY: The Defendant is satisfied.

MR. VALESKA: I want to make sure there are twelve verdict forms.

THE COURT: Right. Right. Ladies and Gentlemen of the Jury, just before I send you out and just from me to you, I appreciate your attention to the case. You have been an attentive Jury, I can tell that. I appreciate it. I know we have had problems in this case about getting everybody here, but really, nobody could help it, actually. Thanks for your patience. This was an important case in this community, both to the State of Alabama and to the Defendant and we appreciate your consideration of this matter and hopefully we can conclude this as soon as you look at the evidence and make your deliberation and decide your verdict in this case. But, from me, I personally appreciate it.  
Thank you.

(Thereupon, the Trial Jury proceeded to the Jury Room to commence their deliberation and a recess was called and taken by all parties. After a period of time of deliberations, the Trial Jury notified the Court they had a question and all parties were returned to the presence and hearing of the Court Room and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Okay. You can bring them in.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings were held in the presence and hearing of said Trial

Jury, to-wit:)

THE COURT: Okay. Who is the Foreperson?

THE FOREPERSON: (Raises her hand.)

THE COURT: Okay. Y'all have some questions?

THE FOREPERSON: Yes. Right now we have some questions before we can go any further, about some of the differences of opinion about what has come out in the testimony. The mother's testimony and they were asking, there was something about Mrs. Ruby Robertson of being molested. They say that there is nothing back there in the evidence to support this. Does this exist?

THE COURT: First of all - - -

THE FOREPERSON: She found it.

THE COURT: Before we get into that, first of all, let me tell you this. You are the triers of fact. That is what you are to determine, what the facts are from what you have heard. I believe there was evidence introduced in Dr. Williams' report - - - is this the daughter you are referring to?

THE FOREPERSON: I believe it was in the report.

MR. VALESKA: She said they found it in the report.

THE COURT: Okay. Okay. That was in there.

As I remember the testimony, again, you are the people that should judge the facts in this case and what you heard, rather than me, because I may have heard different from what you did.

THE FOREPERSON: Also, there is concern that is there a possibility of us hearing the investigator's and the social worker's tape that was taken of the children? The very first thing it was spoke of and bits was give to us, you know, in testimony, by the investigator. This has been brought up back there.

THE COURT: Yes, ma'am.

THE FOREPERSON: Also, the child's testimony.

THE COURT: Let's just take them one at a time. The investigator's tapes, you are talking about - - -

THE FOREPERSON: The tapes they took of the children, the very first tape with the

social worker.

THE COURT: Okay. Ma'am, what you need to do is consider what is in evidence and that is all you can take in consideration. That is what has been introduced at trial and the attorneys try the case according to the best way they can and what is favorable to one side or the other. In every trial, you will not get a complete picture of what is going on. Sometimes because the attorneys did not submit that to you and sometimes the Court may not let you hear that. In this particular case, it wasn't the case of the Court not allowing you to hear, but it is not in evidence, that particular tape. And, you are not to consider that, only what you have heard in regard to the testimony concerning that particular interview.

THE FOREPERSON: Also, the testimony of Amber on the position of the sexual act. Is there any tapes we can hear or written of the exact words of that conversation of what was said when Amber talked about

that, the position?

THE COURT: Well, of course, as I understand that testimony, that was given was quite extensive to the extent she described those in pretty good detail, as I remember. We had her on the stand about two hours, I think. She was the second child that testified. I believe the first child's testimony was about three hours and the second child did not testify quite as long. But, as I remember, that was gone in pretty good detail as far as what the testimony concerned. Now, for you to hear that particular testimony, it would probably, since it was given in different parts of her testimony, it would probably entail reading her whole testimony back. Would you say that is true from the attorneys? I don't think that the - - -

THE FOREPERSON: We are asking about the part where there was a discussion of - - - they asked her what, how did this sex act take place, the position of Mr. B. C. and her and the position.

THE COURT: I am not sure we can get that to you unless we actually let the Court Reporter read the whole testimony back. I can again tell you what I think the evidence was said in the case. But then, I may not have heard it all and I would hate to do that at this point. If the attorneys want me to try to recap what I think I have heard and you can object and put in what you heard, that is fine.

MR. RAMSEY: No, sir. We would object to the Court reading back portions of the testimony.

THE COURT: But, as I remember the testimony, it was pretty much in detail what the sexual positions were. As I understand -- let's see, three alleged rapes as far as concerning Amber. Is that right, Mr. Valeska?

MR. VALESKA: I think they are asking about positions, judge.

MR. RAMSEY: That is my understanding.

MR. VALESKA: I am not going to say anything. Mr. Ramsey objected, but once again, there was testimony elicited and given

and he objected. I think that is as far as we can go. That is it.

MR. RAMSEY: That would be my position, the testimony has been given.

THE COURT: Yes, sir. That is what I am saying. I don't know, you know, to do that would almost be to redo her whole testimony. Because, all I can say is what I heard and I thought it was given in pretty specific details. I remember what the positions were at each instance. Again, for me to comment on the evidence would be unfair to you, because I am not the one that has to decide that. The law says I can't. That is for you to determine what the true facts in the case are and for me to express an opinion at this point might inject something I shouldn't say or inject something I heard or didn't hear. And, I would hate to do that on behalf of each side. So, at this point, I would say that is just a little hard to do. You need to go back and try to remember what exactly was said from her testimony

and -- because, I remember the testimony. I mean, I remember it. And, I thought it was brought out several times, if I remember correctly, what the positions were; in fact, on each occasion, as I remember. So, I would say that it would just be, at this point, probably too difficult to redo that. Unless the Jury insists on that, that would -- I don't think you could -- William, I don't think -- I think it would be probably pretty difficult to glean and pull from that, because it was not given at any one particular time. I think the questions were asked sporadically, different times over the testimony. Now, I think it would be probably too hard for the court reporter to pull out to give that to you. I think you will have to rely on your recollection as best you can and resolve that. That is a good point, though. Okay. Is that it?

THE FOREPERSON: You know, the mother's testimony of the occurrence when they first found out, when she first found

out. The testimony that she gave.

THE COURT: I don't think that was a conflict.

Is that correct? When the mother first found out, the date, or is it?

MR. RAMSEY: There might be some conflicting testimony there. There again, I don't know that there is anything we can do to clear up the facts. If Your Honor has a question about the law, I think you are entitled to an answer. But, they simply asked about the facts and my understanding is that is the Jury's job to sort out the facts.

THE COURT: I will say this. Again, I don't know the specific date that the particular testimony was when the mother first was aware of this. And, I am not sure if there is a conflict in the evidence either way. But, I think both sides would pretty readily agree that it did come some time after. I mean, that was -- is that correct? Anything y'all have?

MR. RAMSEY: Your Honor, I don't know that there is anything really needs to be said

about that, is our position. It happened whenever they decided it happened.

THE COURT: Okay. Mr. Valeska?

MR. VALESKA: Judge, I can't say anything else. He has objected. I am limited if he is objecting. I can't say a word.

THE COURT: Again, there was testimony again, as I remember, on several occasions, when she was told. I cannot remember whether there was actually a conflict in the testimony or not. But, be that as it may, again, that is for you to decide. And, again, not for me. My job up here is to conduct the trial as orderly as possible and to rule on the points of evidence the attorneys bring up to me and instruct you as to the law in the case. That is my job. I am not here to express any opinions as to the evidence. Basically before the trial started, I really didn't know anything about the facts in the case and that is the way it should be. Other than a few things I heard in pre-trial motions. So, basically the evidence you heard is

the evidence I heard for the first time.

It is not really up to me to express an opinion one way or the other about the case. That is up to you. So, that is for you to sort out. Anything else?

THE FOREPERSON: (Shakes her head to the negative.)

THE COURT: With that, if you have any more questions, basically it is facts in the case and I cannot recount to you what the facts might be. So, it is for you to decide and remember. Anything as to law in the case or a definition what it takes in this particular case or what is in the Indictment, I can do that.

Because, I am charged to do that; that is my job. But, the facts are for you to sort out in this case. I know it is difficult, because you heard a lot of testimony.

THE FOREPERSON: That is where we are at.

The testimony that we heard one way and another way.

THE COURT: I appreciate what you are doing. Apparently you are trying to sift through

the best way you can. If you have any more questions, let me know.

(Thereupon, the Trial Jury proceeded to the Jury Room in order to continue their deliberations and the following proceedings were held out of the presence and hearing of the said Trial Jury, to-wit:)

THE COURT: Mr. Ramsey, do you have any objection to anything that the Court did talk about or explain to the Jury?

MR. RAMSEY: No, sir. I have no objections.

MR. VALESKA: I have no objections.

THE COURT: Okay.

(Thereupon, a recess was called and taken by all parties to await the verdict of the Trial Jury. After a period of time of deliberations, a juror came

to the Court Room where all parties were assembled and the following proceedings were had, to-wit:)

THE COURT: Okay. Yes, sir.

A JUROR: I was, I wanted to let you know that I have been diagnosed with hypoglycemia.

THE COURT: Okay.

A JUROR: And, every once in a while, my sugar drops and I get real weak and I need something to eat.

THE COURT: Okay. What do you need?

A JUROR: A candy bar and coke or something like that.

THE COURT: Oh, yeah.

A JUROR: Wasn't no big problem, I was just starting to feel a little jumpy.

THE COURT: Okay. Will you go get it for him? Tell him what you need.

A JUROR: Dr. Pepper and a Snickers will be fine.

THE COURT: What is your name?

A JUROR: Jason Lisenby.

THE COURT: Okay. Let the Record reflect that this Juror requested a conference and all the parties are present and we will get you something to eat. Okay?

A JUROR: Okay.

THE COURT: That is it. We will bring it back to you.

A JUROR: Thanks.

(Thereupon, another recess was called and taken by all parties as the Trial Jury continued their deliberations. After a period of time of additional deliberations, all parties returned to the presence and hearing of the Court Room and the following proceedings were held out of the presence and hearing of the said Trial Jury, to-wit:)

THE COURT: Bring them in.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings were held in the presence and hearing of said Trial Jury, to-wit:)

THE COURT: Ladies and Gentlemen of the Jury, it has come to the Court's attention that you are deadlocked. Is that correct?

THE FOREPERSON: Yes, sir.

THE COURT: Okay. I think the Jury retired a little after 4:00 o'clock and it is now 7:15 and I appreciate your attention to this case. I know that y'all have deliberated and expressed your opinions to each other and I do appreciate that. However, let me give you this charge at this time. If you would, please listen very carefully to this. The Court cannot release you at this time. You should make further effort to reach a verdict in this case. Each Juror is entitled to his or her opinion about the

evidence, but I do not wish to put the State to the expense of another trial, if it can be avoided in this case. If you cannot agree, a mistrial will be declared and this case will have to be tried again. There is no reason to believe that another Jury would have better or clearer evidence than that presented to you today. This does not mean, however, that you should surrender an honest conviction as to the weight or effect of any evidence solely because of the opinion of other Jurors or because of the importance of arriving at a decision. But, you should give careful consideration and respectful consideration to each other's views and talk over any differences of opinion in a spirit of fairness and candor. If possible, you should resolve any differences and come to a common conclusion so this case can be completed. I will be happy to give you further instructions on the law on any matter other than the facts in this case. It is natural that

differences of opinion will arise.

When they do, each Juror should not only express his opinion or her opinion, but the facts and reason upon which he or she basis that opinion. By reasoning that matter out, it may be possible for all Jurors to agree in this case. What I have said to you must not be taken as an attempt on the part of the Court to require or force you to surrender your honest and reasonable convictions founded upon the law and evidence in this case.

My sole purpose is to impress upon you your duty and desirability and the importance of reaching a verdict, if you can conscientiously do so. With that, you may retire again and continue your deliberations.

(Thereupon, the Trial Jury proceeded to the Jury Room to continue their deliberations with the above further instructions from the Court. The

following proceedings were held outside the presence and hearing of the said Trial Jury, to-wit:)

THE COURT: Mr. Ramsey, is there any objection to the charge as given?

MR. RAMSEY: No, sir.

MR. VALESKA: No, sir.

THE COURT: Okay.

(Thereupon, a recess was called and taken by all parties to await the verdict of the Trial Jury. At approximately 8:20 o'clock P. M., the Trial Jury notified the Court that they had a question and all parties were returned to the presence and hearing of the Court Room and the following proceedings were held out of the presence and hearing of the

██████████  
said Trial Jury, to-wit:)

THE COURT: Bring them in.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings were held in the presence and hearing of said Trial Jury, to-wit:)

THE COURT: Okay. Ladies and Gentlemen of the Jury, Mrs. Gibbs, I believe you are the Foreperson?

THE FOREPERSON: (Nods her head to the affirmative.)

THE COURT: First, let me say this: We are here to seek justice in this matter and not only to give Mr. Money, the Defendant on trial, a fair trial. We are also here to give the State a fair trial and both parties should be afforded that opportunity. If there is information that needs to be related to the Court

that will show that that is not what the case is in this particular matter, then I must know that and you must tell me that, because that is what we are here to find out. If that is the case, Mrs. Gibbs, you need to relate to the Court the information that you know.

THE FOREPERSON: Just say it here?

THE COURT: Ma'am?

THE FOREPERSON: When we were deliberating or discussing, we came to a deadlock and a lot of the conversation was going on and two jurors starting saying, started discussing about this case and what they knew about this case, according to the paper, before this case ever happened.

And, I want to know if this is right.

THE COURT: Okay. Are you saying then - - -

THE FOREPERSON: They knew that - - -

THE COURT: They knew during their time as Jurors that - - -

THE FOREPERSON: Before this happened, before this trial ever happened.

THE COURT: Okay. Mr. Valeska?

MR. VALESKA: I don't know what was said. I

have no idea. I am not asking anybody on the Jury Panel and I am sure that Mr. Ramsey would not, either. But, my question would be any Juror that came down this week and I think Mr. Ramsey would agree there was pre-trial publicity of some kind on this case. That is not a crime, as far as pre-trial publicity or it would not deprive the Defendant or the State of a fair trial, unless someone made a judgement or opinion as to someone's guilt or innocence before the trial and could not be open and unbiased on either side. Would you agree with that, Mr. Ramsey?

MR. RAMSEY: I agree with that.

MR. VALESKA: I don't know, and I am not asking anybody to tell the State. Mr. Ramsey could say anything that he likes, but because somebody knows something, unless they have formed an opinion. Now, the question that the State would have and I know Mr. Ramsey will, I am not saying that anybody did this, but it was related to the Court, the District

Attorney, and Mr. Ramsey here in open Court, that if someone has gone against an order you have given by reading the paper since, then that is something you have to inquire. But, before hand, unless it is something that has been in the paper since then or the media, that is my only question. Would you agree with that?

MR. RAMSEY: I concur with that.

THE COURT: I agree to a certain extent, also. However, the question was asked of the Jury when they were being selected, one of my questions was: Does anybody know anything about the facts of this case.

THE FOREPERSON: Yes.

THE COURT: I did not ask that question merely to ask it. I asked it for an answer.

THE FOREPERSON: And, they didn't.

THE COURT: The fact somebody knew something about this case, that is fine. If it is, if it has not tainted you to the extent that at the time you came to this Court House -- now, if you had an opinion about a, if you had pre-judged this

particular case because you had an opinion at the time or because of what you read, then I think I need to know about that. If there are Jurors that have that pre-judgement opinion, I need to talk with them now. Now, that is the first thing. Now, of course, like Mr. Valeska said, every case has got some pre-trial publicity and just because you read that does not necessarily, would affect you in one way or the other. So, that is the first step, whether or not, in fact, it did bias you as to whether or not you had pre-judged this particular case or had an opinion as to the guilt or innocence of the Defendant because of that. Now, if you are talking about, and I will state for the Record, like I told you before, there was an article in the Dothan Eagle that was done after y'all were selected. And, I mentioned that and I specifically mentioned to you the fact to let you know that there was publicity out there. If we are talking

about that particular newspaper article, that some of you read, then we have got problems.

MR. VALESKA: We need to know.

THE COURT: You certainly do need to know that. If anybody did see that, then they need to let me know, because this is too serious a matter in this Court House for me to overlook anything like that.

Now, is there anybody that saw that particular newspaper article?

MR. VALESKA: Correct me if I'm wrong, but isn't it correct that there has been two articles.

MR. RAMSEY: One Tuesday and one Wednesday.

MR. VALESKA: I am not saying anybody on the Jury did, but the question is if there was something in the paper, did they look at it and read it or listen if there was anything, and I am not saying there was, on any other media, I have no personal knowledge. But, that would be my question if they actually read the article. I am not saying they did, judge, it is a catch 22 here. I am

looking out for the victims and Mr. Ramsey is looking out for the Defendant.

THE COURT: The first article was Monday when you came and Tuesday, the second article was run on Wednesday and of course, I didn't see you since the time I dismissed you. So, that is, I am referring to both articles then, I guess. Is there any information that you have?

THE FOREPERSON: A lot of pre, before the trial, before we came here, knowing a lot about what was in the paper and I thought we were not supposed to have known a lot about this case.

MR. VALESKA: There are cases that say, there are cases that say there is nothing wrong with any Juror of any kind that comes to Court, they don't have to be immune from any story. The question is if any Juror willfully - - - judge, I am not saying that they did, I am seeking a fair trial for the victims and my job is to seek a fair trial for Mr. Money, too. The question would be

if they misinformed or didn't tell the Court or they had a biased opinion for the State or against the State. I am not saying that they have that, but I think we need to inquire. Just because they read an article or knew something, nothing says they have to come in here completely, one hundred percent knowing nothing. That would not exist in a county the size of Henry or Houston. It is not big enough.

THE COURT: Oh, I agree with that.

MR. VALESKA: I want to clarify, if that is the question? Once again, I don't know what has taken place, but just because someone knew something, as long as they have answered the questions truthfully and they don't have any predetermined opinion, either side, for or against the State or for or against the Defendant.

Don't you agree, Mr. Ramsey?

MR. RAMSEY: Yes, sir.

THE COURT: That is a correct statement, what Mr. Valeska said. And, obviously it would be hard to find, in a lot of cases,

juries that didn't know anything about the case, to a certain extent. But, the question is whether or not those that may have had some opportunity to see this case before it came to trial, whether or not, in fact, you had a predetermined opinion in the case and whether or not it biased or prejudiced your opinion in any manner. The only way I know to find that out is first ask if, in fact, did any Juror know anything about the facts of this case, either through pre-trial publicity or through any conversations with neighbors or friends or anything you knew about the facts of this case. That is the first question I need to determine; if anybody knew anything about the facts in the case. Anybody?

A JUROR: I vaguely remember some pre-trial articles about it. But -- because I married a Money and I asked my wife if she was kin to them and she said no.

THE COURT: Okay. All right.

A JUROR: I vaguely remember.

THE COURT: Why don't y'all state your names.

Yes, sir, what was your name?

A JUROR: Billy Mooring.

THE COURT: Okay. I thought so. And, what was your name?

A JUROR: Kathy Blankenship.

THE COURT: Okay. What did you know about it, Mrs. Blankenship?

A JUROR: I work at the doctor's office here in town and Mr. Money had been in before.

I don't know what he was in about. I remembered the fact of some of them saying that he had a trial coming up.

THE COURT: But, you don't know anything?

A JUROR: Not specific.

THE COURT: Nothing about the facts or anything? Does anybody else know anything about this case?

(No response.)

MR. VALESKA: Just for the Record, once again, I don't know what is occurring, but I would ask the Court and I am sure that Mr. Ramsey would agree with this, go back to the other question. I know you asked it, but I am not implying

and I am sure that Mr. Ramsey wouldn't either, but I think that we need to poll them individually about any pre-trial publicity after the trial began. I am not trying to offend anybody or make them mad, but I have got an appellant record that I have got to try to protect, just like Mr. Ramsey. So, we need to do that, if we could?

THE COURT: I can do that.

MR. VALESKA: I am not implying that they did that and I don't want them to think that and I don't want to offend anybody.

THE COURT: Okay. Okay. Anybody else after Mrs. Blankenship that saw anything as far as knowing anything about the facts of this case before it came to trial? Anybody else?

(No response.)

THE COURT: Second question, then. Has anybody seen either of the two Dothan Eagle articles or any type of publicity after the start of this trial? I can't think of any others, except for those two articles. Did anybody see those and

what we need to do is go ahead and poll the Jury again. We are not trying to embarrass anybody or anything, but again, if, in fact, this goes to an Appellant Court, this is, these-type matters have to be reviewed; that is just the way it is. When information comes to the Court that something is happening in a trial, I just can't say that I didn't hear it, because it has to be reviewed, if, in fact, that is the case. I don't know if it is or not, but let me just poll the Jury, the various members, to that question. Mr. Mooring, have you read those articles or know anything since the trial began?

MR. MOORING: No.

THE COURT: Yes, sir. How about you?

A JUROR: No.

THE COURT: Okay. Let's go to the back and then come to the front. Okay.

A JUROR: No, sir.

THE COURT: You?

A JUROR: No, sir.

A JUROR: No, sir.

A JUROR: No, sir.

THE COURT: And, you?

A JUROR: No, sir.

THE COURT: Okay.

A JUROR: No, sir.

THE COURT: Okay.

A JUROR: No, sir.

THE COURT: You?

A JUROR: (Shakes their head to the negative.)

THE COURT: And, you?

A JUROR: (Shakes their head to the negative.)

THE COURT: And, you?

A JUROR: (Shakes their head to the negative.)

THE COURT: Well, good.

MR. VALESKA: I am not implying that they did, but since the question was raised, once again, they will go back to deliberations and I am concerned, whole heartedly, if anything occurs for the appellant record, if there is an appellant record; I am not trying to make anybody mad or offend them. I hope they will understand that.

THE COURT: Oh, yeah. I think they know, as reasonable men and women, we have to do things like this and conduct it the way

we should. Okay. Let the Record reflect then that the Jury was polled and all twelve members stated that they did not read the two Dothan Eagle articles after this trial was started. Okay. Is there anything else that needs to be brought up, at this time?

MR. VALESKA: The State is satisfied for them to continue.

MR. RAMSEY: The Defendant is satisfied, Your Honor.

MR. VALESKA: Whole heartedly.

THE COURT: Okay. Ladies and Gentlemen of the Jury, with that, you may begin or resume your deliberations again.

(Thereupon, the Trial Jury returned to the Deliberation Room in order to continue their deliberations and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Mr. Ramsey, is there any exception  
for the Record?

MR. RAMSEY: No, sir.

MR. VALESKA: We are satisfied, judge.

THE COURT: Okay.

(Thereupon, a recess was called and taken by all parties. After a period of time of additional deliberations, all parties returned to the presence and hearing of the Court Room and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Bring them in.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings

were had, in the presence  
and hearing of said  
Trial Jury, to-wit:)

THE COURT: Ladies and Gentlemen of the Jury,  
have y'all had supper?

(Jurors laughing.)

THE COURT: We are trying to make it as  
comfortable as we can for you. I know  
it is hard for you, at this kind of hour,  
but just remember this; while you are  
back there doing your job and doing your  
duty to this community, there are others  
waiting, also. Don't feel like you are  
isolated or in a position that sometimes  
people do feel when they try to make an  
important decision. So, don't feel  
that way. However, let me say this,  
also. [It has come to the Court's  
attention from the bailiff, that y'all  
have quit discussing the case. I don't  
know if that is true or not. Mrs.  
Gibbs, is that true?]

THE FOREPERSON: There has been no discussion  
in the past while, really.

THE COURT: Let me say this to the Jury. We have had many hours of testimony, many facts presented; maybe not all of the facts that you wanted to hear or that could have been introduced. But, let me say this; if you heard everything in the world about this case, we would be trying this thing forever. I think there is sufficient evidence before the Jury at this time to make a decision one way or the other. Now, if you have come to a situation you can't discuss the case, then you need to rethink that position, because there are important issues here that you need to discuss with each other, maybe points you need to discuss. And, if you do not have a discussion among yourselves, I don't want to be hard on anybody, believe me, I know the position you are in; but, if that is the case, then you are not doing your duty in this particular case. I don't want to sound mean or mean spirited about it, but your job, as I said, is to discuss the case among yourselves. I am sure you have

[redacted]

your own opinions and that is great. If there are points you have that you do have a strong opinion, then you need to discuss those particular matters with each other. Because, somebody else may have an opinion that may give you some thoughts you have not thought about. But, as far as I am concerned, to say you are not discussing the case, that is your prerogative; you can do what you want to do. But, the Court is inclined at this point to keep on until a verdict is reached in this case. And, we are going to do that. I am not forcing you one way or the other to make up your mind either way. I don't think anybody heard me say anything in this particular case one way or the other how I think about the facts of the case or the guilt or innocence of the Defendant. I am not trying to force anybody into anything. However, I will not sit by and have you waiting and other people waiting in this particular matter, if you are not

[redacted]

discussing the case. I will have to put it to you like it is; you are not doing your job if you don't discuss the case. I am prepared to stay here until a verdict is reached in this case. Y'all need to know that. I know it is inconvenient for you and I hate that, because I think each of you has done a good job, been attentive to the evidence, but on the other hand, this matter needs to be concluded in any manner. That is not up to me, that is up to you. But, the case needs to be discussed. With that, you can retire. As I said the Court is going to keep on in this particular matter until a decision is reached and you need to know that. I will say right at this point, while it is out on the table for everybody, if a decision cannot be reached tonight, we will deliberate tomorrow. Any questions?

(No response.)

THE COURT: Anything from the lawyers?

MR. VALESKA: We are satisfied, Judge Little.

THE COURT: Any comments from any member of

the Jury at this time or Mrs. Gibbs,  
the Foreperson in this case?

A JUROR: I have a question.

THE COURT: As to what I mean, when I  
say -- yes sir.

A JUROR: Can I speak to you or does it need  
to be on the Record?

THE COURT: Well, it has to be done, for me  
to be fair and impartial in this case,  
it has to be done in front of everybody.

A JUROR: Okay. I will go ahead and say it.  
You know, every time we get to discussing,  
you know, the verdict, then, you know, it  
gets ill feelings. People start crying  
and stuff. You know, what do we do?

THE COURT: Now, that is one thing you are  
going to have to do, even though you  
have strong opinions about the matter.  
That is your prerogative. That is your  
duty to have an opinion. That is why  
we have twelve of you here. You need to  
do that. But, as far as ill will is  
concerned toward any person, then that  
needs to be, you need to throw that aside.  
There is no room anywhere in this system

[REDACTED]

of justice for anybody to be, to take it personally to the extent that they are bickering, fighting, ill will between you. That does not need to be there. And, I am sorry if that is the situation that has come up. Sometimes it does come up, to be very frank with you, in some Juries. Why it comes up, I don't know, other than people just have their own personal opinions. The evidence was taken in this case, many hours was taken and the facts are there. Regardless of how you rule or judge this particular case, it is, you know, that is the way it is. But, I will tell you this way. There will be a verdict in this case, one way or the other. That is only fair. Not only for B. C. Money, it is also, that is the only way it is fair for the State of Alabama, too. With that, we will deliberate and we will deliberate tomorrow, if it takes it. Thank you.

(Thereupon, the Trial Jury returned to the Jury Room

and the following proceedings  
were held out of the  
presence and hearing of the  
Trial Jury, to-wit:)

THE COURT: Any objections to the Court's  
Charge?

MR. VALESKA: I'm satisfied.

MR. RAMSEY: Your Honor, I want for the  
Record -- you are the judge, but there  
is such a thing as a hopeless deadlock.  
And, I don't think that that is a proper  
instruction, that you will reach a  
verdict. If they are unable to do so,  
so be it.

THE COURT: The Court will make the  
determination at the appropriate time,  
whether or not there is a deadlock in  
the Jury. And, that is my call and  
that is my discretion. And, I have  
given the dynamite charge to this  
particular jury at an earlier time and  
I don't see anything inappropriate about  
telling the Jury they have to reach a  
verdict in this case.

MR. VALESKA: I don't think the Foreperson related that they were hopelessly deadlocked at all.

THE COURT: I don't know if they are hopelessly deadlocked yet or not.

MR. RAMSEY: They have not been asked that question.

MR. VALESKA: The Court asked them if they had anything to say to the Court and we have answered questions and had the opportunity. The Court did not poll them or ask them because that was not addressed and the Court did not inquire as to what their vote, however it could be, whatever it is.

THE COURT: Okay. All right.

(Thereupon, a recess was called and taken to await a verdict from the Jury. At approximately 10:42 o'clock P.M. the Court summoned all parties to the Court Room and the following proceedings were

held out of the presence  
and hearing of the Trial  
Jury, to-wit:)

THE COURT: Okay. Bring them in.

(Thereupon, the Trial Jury  
was returned to their  
places in the Jury Box and  
the following proceedings  
were held in the presence  
and hearing of said Trial  
Jury, to-wit:)

THE COURT: Okay. Ladies and Gentlemen of the  
Jury, my bailiff has talked to me about  
certain matters. I do not want to know  
and the Attorneys do not need to know  
any kind of vote count in this particular  
case, how you voted, how you are thinking  
at this time, whether or not either way.  
I don't need to know that and the  
Attorneys do not need to know that, also.  
But, let me put it to you this way,  
also. The verdict must be unanimous.

All twelve of you. Now, we have, in this particular case, when I say verdict, we have actually, as you know, very well, six Indictments in this case. You must return a verdict either guilty or not guilty on each particular charge in this cause. Again, I do not need to know the vote and I do not want to know the vote. It is none of my business about that, and certainly not the Attorneys business. But, it must be unanimous. Let me say this for the Jury's benefit. First of all, I appreciate y'all discussing the case. I understand that y'all are discussing the case again and I appreciate that. Of course, the Court does not know what you discussed and I don't want to know. That is up to you. That is your private deliberations. But, we will keep on deliberating in this matter. Again, I hope there is no ill will among the members of the Jury. There shouldn't be. If it is, you need to let me know. Y'all did let me know one time and I did instruct you on that.

But, if this becomes a problem, I may just ask you what the problem is. There will not be any ill will among the Jury and I will talk to you about that, because there is no place in this particular system of justice for anything like that. And, the Court will not tolerate that. One matter I think we need to take up at this point, since it is a late hour and needs to be said. Again, I am not trying to be mean spirited or anything like that, because you have got a tough job to do and I appreciate that. But, it has come to my attention also, that one particular Juror in this Jury Panel has attempted to leave the Jury Deliberation Room and has been told to go back in. Now, I am going to be very frank at this point. As long as I run this Court Room, that will not be tolerated. I don't know the person that did that, but that will not be tolerated in this Court as long as I say deliberate. I am not saying in a mean spirited manner, but

that Juror, at some point, may have to come in this Court Room and again, I will not talk to anybody in private, it will be all parties present and we will discuss that particular manner. You are in there for a job like I am here for a job and Mr. Valeska for the State and Mr. Ramsey. And, that kind of conduct will not be tolerated by the Court at all. But, the verdict must be unanimous in this case. That is what the Law of Alabama says and it is not to be coerced in any manner. As long as you keep frank and honest discussions among yourselves and not let any ill will come between y'all, then everything is fine. I appreciate y'all talking to my bailiff about this and you need to be assured that every time you talk to him, he talks to me about this. But, if you do talk to him, you need to know if he talks to me, what you say to him is going to be discussed among all of us in the presence of everybody. That is the way it should be. With that, you

may begin your deliberations again.

(Thereupon, the Trial Jury returned to the Jury Deliberation Room and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Any objections on the Record?

MR. VALESKA: Satisfied.

MR. RAMSEY: No, sir.

THE COURT: For the Defense?

MR. RAMSEY: No, sir.

THE COURT: Okay.

(Thereupon, a recess was called and taken to await the verdict of the Jury. At approximately 11:01 o'clock P. M., the Court was notified that the Jury had reached their verdict and all parties returned

to the presence and hearing  
of the Court Room and the  
following proceedings were  
held outside the presence  
and hearing of the Trial  
Jury, to-wit:)

THE COURT: Okay. Bring in the Jury.

(Thereupon, the Trial Jury  
was returned to the  
presence and hearing of  
the Court Room in order to  
render their verdict in  
the above styled and numbered  
cause and the following  
proceedings were had in  
the presence and hearing of  
said Trial Jury, to-wit:)

THE COURT: Mrs. Burdeshaw is not here, is  
it permissible for me to read the Verdict?

MR. VALESKA: I have no problem with you  
reading it, Your Honor.

MR. RAMSEY: I have no problem with that,

Your Honor.

THE COURT: Mrs. Gibbs, you are the Foreperson of this Jury?

THE FOREPERSON: Yes.

THE COURT: And, you have reached a verdict?

THE FOREPERSON: Yes, sir.

THE COURT: Let the Record reflect that Mrs.

Burdesshaw, the Clerk, is not present at this time, but the parties, both parties have agreed for the Court to read the verdict in this case. In Case Number CC94-065, it says: We the Jury, find the Defendant, B. C. Money, Sr., guilty of Rape, First Degree as charged in the Indictment. In Case Number CC94-66, we the Jury, find the Defendant, B. C. Money, Sr., guilty of Rape, First Degree as charged in the Indictment. In Case Number CC94-67, the Verdict is: We the Jury, find the Defendant, B. C. Money, Sr., guilty of Rape in the First Degree as charged in the Indictment. In Case Number CC94-068, the Verdict is: We the Jury, find the Defendant, B. C. Money, Sr., guilty of Sexual Abuse, First

Degree as charged in the Indictment. In Case Number CC94-069, the Verdict is: We the Jury, find the Defendant, B. C. Money, Sr., guilty of Rape, First Degree as charged in the Indictment. In Case Number CC94-070, the Verdict is: We the Jury, find the Defendant, B. C. Money, Sr., guilty of Sexual Abuse, First Degree, as charged in the Indictment. Okay. At this time, I will poll the Jury.

(Thereupon, the Trial Court polled the Trial Jury in order to determine whether or not their verdict was unanimous and the following proceedings were had, to-wit:)

THE COURT: Okay. Let the Record reflect that each Juror has nodded in the affirmative that they were, in fact, their verdicts in this case. We appreciate your service in this case. I know it has been hard, but I know you have made a

conscientious and deliberate attempt to do what you think is right in this case.

With that, you are discharged. I will say this; Mrs. Burdeshaw had to leave, she is the Clerk and - - -

THE BAILIFF: She said that she would mail the checks.

THE COURT: She will mail the check to you for your service. We appreciate that.

And, with that, you are discharged.

Thank you. Just a minute before y'all leave. I am sorry. Is there anything for the Defense or for the State before the Jury goes?

MR. VALESKA: I want to make sure, you said verdict and verdicts, we have single and in plural; they agree that all of the verdicts, collectively, every Juror, I want to make sure, for the Record.

THE COURT: If you would, nod as to the verdicts in this case. Okay. Let the Record reflect that all of the Jurors nodded in the affirmative that the verdicts in this case were their own. Thank you.

(Thereupon, the Trial Jury was discharged from their services in the above styled and numbered cause and the following proceedings were held out of the presence and hearing of the Trial Jury, to-wit:)

THE COURT: Okay. The Jury returned the verdicts in these cases and it is the judgement of the Court in these particular cases that I have just enumerated, that, in fact, B. C. Money, Sr., is guilty of the charges contained therein. Do you have anything, Mr. Money, to say before I pronounce sentence of law?

MR. RAMSEY: Yes, sir. We request a pre-sentence investigation in this case.

MR. VALESKA: That is fine, judge. Since he has been convicted now and faces four hundred and sixteen years in jail, we will ask for no bond pending the Sentence Hearing. Each of them is a Class A,

except for the last two, which are Class C.

He faces a total of four hundred and sixteen years and I would like no bond pending the Sentencing Hearing.

THE COURT: Mr. Ramsey?

MR. RAMSEY: Well, Your Honor, he is under two hundred and fifty thousand dollars and if he can't make that, it is in effect, no bond right now. So, it won't make any difference if it is not reduced.

THE COURT: Okay. Due to the fact that the maximum in this case on Rape, First Degree, is from Life to ninety-nine years and I believe the maximum penalty in the Sexual Abuse Cases is twenty years - - -

MR. VALESKA: Ten years Your Honor on the Sexual Abuse, First Degree. They are Class Cs and the others are all Class A.

THE COURT: Okay. Ten years in the penitentiary in that particular case then, the bond, the Court grants the State's request in this case and there will be no bond in the case until sentencing. Sentencing will be set, I believe I am up here again on October 27th, if I am not mistaken.

MR. VALESKA: Is that 8:30 or 9:00 o'clock.

THE COURT: 9:00 o'clock, October 27. That is the date set for sentencing. Okay.

PROCEEDINGS CONCLUDED

REPORTER'S CERTIFICATE

STATE OF ALABAMA

HOUSTON COUNTY

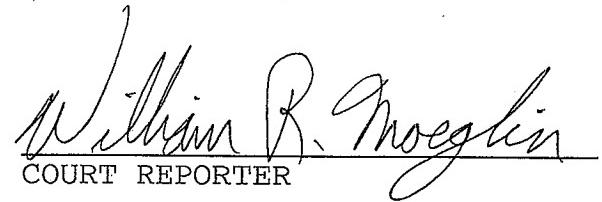
I, William R. Moeglin, Court Reporter in and for the Twentieth Judicial Circuit of Alabama, do hereby certify that the above styled and numbered cause was reported stenographically by me and is a true and correct transcript of the testimony, objections, motions, rulings of the Court, oral charge of the Court and the verdict of the Trial Jury and was transcribed by me or under my direction and control.

I further certify that I have filed all exhibits offered in the trial of this cause, if any, with the Circuit Clerk of Henry County, Abbeville, Alabama, for incorporation into the Record on Appeal.

I further certify that I have, on this day, filed with the Clerk of the Court of Criminal Appeals, the Attorney General as well as the parties here involved, a copy of the Reporter's Index to the Testimony and a Certificate of Completion of Reporter's Transcript of the said cause.

I further certify that I have filed the original and three copies of this transcript in the office of the Circuit Clerk of the Circuit Court of Henry County, Dothan, Alabama.

Done in office this the 14<sup>th</sup> day of  
March, 1996.

  
William R. Moeglin  
COURT REPORTER

CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT

B. C. MONEY, SR.

Appellant

v.

XX State of Alabama  
Municipality of \_\_\_\_\_

TO: The Clerk of the Court of  
Criminal Appeals of Alabama

On Appeal From The:

XX Circuit Court of  
\_\_\_\_\_ District Court of  
\_\_\_\_\_ Juvenile Court of

HENRY County

Case No. CC94-065-070 Date of Notice of Appeal 10-27-95

I certify that I have this date completed and filed with the clerk of the trial court the original of a true and correct transcript of the proceedings designated in the reporter's transcript order. All pages are numbered serially, in the upper right corner of each page, prefaced by a copy of the reporter's transcript order (p. no. 1) and an index, and ending with the number appearing in the upper right corner of this certificate.

I certify that a copy of this certificate is this date being served (on counsel for defendant) (defendant, if not represented), the attorney general of Alabama, and the district attorney or the municipal prosecutor in lieu of the attorney general and the district attorney if the appeal is from a municipal conviction, along with a copy of the index.

DATED this 14th day of March, 1996.

William R. Moegle  
Court Reporter

(Amended October 1, 1991.)

The clerk of the trial court is required to assemble the record if it consists of not more than 200 pages each, and to send certified photocopies of the record on appeal to counsel for defendant and to the attorney general of Alabama as required by Rule 11(b) or to the municipal prosecutor in lieu of the attorney general if the appeal is from a municipal conviction.

1 STATE OF ALABAMA  
2 IN THE CIRCUIT COURT FOR THE COUNTY OF HENRY  
3 TWENTIETH JUDICIAL CIRCUIT  
4 CRIMINAL  
5 STATE OF ALABAMA,  
6 PLAINTIFF,  
7 VS. CASE NO. CC94-0725,  
8 94-066-070  
9 B. C. MONEY,  
10 DEFENDANT.

11 -----/

12

13 REPORTER'S OFFICIAL TRANSCRIPT

14

15 Before:

16 Hon. C. Lawson Little  
17 Abbeville, Alabama  
18 October 27, 1995

19

APPEARANCES:

For the State:  
Hon. Doug Valeska,  
District Attorney

22

For the Defendant:  
Hon. Richard Ramsey, IV

24

Gwen Cooper,  
25 Official Court Reporter

1                   P R O C E E D I N G S  
23                   THE COURT: We have got the  
4                   case of B. C. Money for  
5                   sentencing at this  
6                   time.7                   The jury having  
8                   returned verdicts in  
9                   these particular cases,  
10                  Mr. Money, do you have  
11                  anything to say on your  
12                  behalf? Mr. Ramsey?13                  MR. RAMSEY: Yes, sir, your  
14                  Honor, simply the fact  
15                  that Mr. Money has been  
16                  tried and found guilty  
17                  by the jury, he still  
18                  adamantly maintains his  
19                  innocence. Nonetheless,  
20                  we know he's looking at  
21                  a minimum -- your Honor,  
22                  knows what the minimum  
23                  is. I would simply say,  
24                  your Honor, that the  
25                  minimum sentence is a

1 sentence of life in  
2 prison for this man.  
3 He's 73 years old. And  
4 I know Mr. Valeska is  
5 going to stand up and  
6 ask for the maximum and  
7 all this, and I would  
8 simply say that the  
9 minimum is a life in  
10 prison sentence. This  
11 man would never serve  
12 even a third of that

13 sentence, based on his  
14 health and his age. So  
15 we would ask that the  
16 Court consider that.

17 THE COURT: What says the  
18 State?

19 MR. VALESKA: Judge, I have  
20 two letters here, one  
21 from the defendant's own  
22 daughter, who says while  
23 this defendant is her  
24 father, that he messed  
25 with her when she was a

1 child. No one would  
2 help or listen to her in  
3 any manner or fashion.  
4 Second, I've got a  
5 letter from Patricia  
6 Money that tells and  
7 asks this Court, B. C.  
8 Money should spend the  
9 rest of his life in  
10 prison for the hurt of  
11 my child.

1 children, our most  
2 valuable asset.

3 In this very  
4 Circuit in this very  
5 courtroom another man  
6 was convicted, like Mr.  
7 Ramsey said, who was  
8 approximately the age of  
9 Money, got twenty years  
10 for First Degree Rape.

11 The Pardon and Parole  
12 Board let him go after a  
13 year and a-half, and he  
14 walks the streets of  
15 Abbeville right now.

16 We ask for 419 years on  
17 Money, maximum fines,  
18 maximum Compensation,  
19 so he will know he  
20 cannot molest Henry  
21 County's most valuable  
22 children. These are his  
23 own flesh and blood that  
24 he did these things to.  
25 He deserves no mercy in

any manner or fashion,  
your Honor. He's ruined  
these little girls'  
lives. They may never  
recover. We ask you to  
sentence him to the  
maximum sentences of 99  
years on all cases,  
except for the Sexual  
Abuse, ten years on  
those. And as he  
denies his guilt, that's  
fine; but twelve good  
jurors in this Circuit  
found him guilty. Let  
them take that up in the  
Appellate Court. You  
shouldn't show him any  
mercy for hurting  
children, Judge. There  
is no gray area.

THE COURT: Okay. Mr. Ramsey,  
if you could bring your  
client up. Okay. In  
Case No. CC-94-0725,

1 which is Rape First  
2 Degree, the jury having  
3 found you guilty of that  
4 particular offense, the  
5 Court sentences you to  
6 99 years in the state  
7 penitentiary. In Case  
8 No. CC-94-066, Rape  
9 First, the jury having  
10 found you guilty of that  
11 particular offense, I  
12 sentence you to the  
13 state penitentiary for  
14 99 years. Case No.  
15 CC-94-067, which is Rape  
16 First, the jury having  
17 found you guilty of that  
18 offense, the Court  
19 sentences you to 99  
20 years in the state  
21 penitentiary. In Case  
22 No. CC-94-068, the jury  
23 having found you guilty  
24 of Sexual Abuse in the  
25 First Degree, the Court

1 imposes the sentence and  
2 sentences you to the  
3 state penitentiary for a  
4 period of ten years. In  
5 Case No. CC-94-069,  
6 which is a Rape First  
7 case, the jury having  
8 found you guilty of that  
9 particular crime, the  
10 Court sentences you to  
11 99 years in the state  
12 penitentiary. In Case  
13 No. CC-94-070, a Sexual  
14 Abuse in the First  
15 Degree case, the jury  
16 having found you guilty  
17 of that particular  
18 charge, the Court  
19 sentences you to ten  
20 years in the state  
21 penitentiary.

22 I think that's all the  
23 cases; is that correct,  
24 Mr. Valeska?

25 MR. VALESKA: Yes, sir.

1 THE COURT: In each of those  
2 particular cases the  
3 Court Imposes a fine of  
4 five hundred dollars and  
5 Victim Assessment fee.

6 MR. RAMSEY: Are those  
7 sentences to run  
8 concurrently, or  
9 consecutively, your  
10 Honor?

11 THE COURT: No, sir, no  
12 concurrent. They are  
13 run consecutively.

1                                  would also ask the Court  
2                                  to award him a  
3                                  transcript.

4                                  THE COURT: Okay. That will  
5                                  be noted on the record.  
6                                  You have filed an oral  
7                                  notice of appeal, and  
8                                  the Court will appoint  
9                                  an attorney in the case  
10                                 for purposes of appeal.  
11                                 And, of course, to do  
12                                 that he needs to show  
13                                 the Court that he is, in  
14                                 fact, indigent before I  
15                                 can do that and before I  
16                                 order a free  
17                                 transcript.

18                                 MR. RAMSEY: I understand  
19                                 that.

20                                 THE COURT: Okay.

21                                 MR. RAMSEY: Thank you, your  
22                                 Honor.

23  
24                                 (END OF PROCEEDINGS)

25

1 CERTIFICATE OF REPORTER  
2

3 STATE OF ALABAMA

4 COUNTY OF HENRY

5  
6 I, Gwen Cooper, Official Court Reporter for the  
7 20th Judicial Circuit for the State of Alabama and  
8 Notary Public, State at Large, do hereby certify that  
9 I have correctly reported in stenotype the proceedings  
10 in the above-styled cause, and I later reduced my  
11 stenotype notes into typewriting, and the foregoing  
12 beginning with the words "Proceedings" where the same  
13 appears in the center of the page, contain a true and  
14 correct transcription of the evidence, including  
15 objections, oral motions, rulings of the Court, and  
16 the oral charge of the Court, where applicable, as  
17 therein set out.

18  
19 I further certify that I have filed all exhibits  
20 in the trial of this cause with the Clerk of the  
21 Circuit Court for incorporation into the record.  
22  
23  
24  
25

1 I further certify that I have on this day filed  
2 with the Clerk of the Court of Criminal Appeals of  
3 Alabama and the parties herein involved a Certificate  
4 of Completion of Reporter's Transcript. I further  
5 certify that I have filed the original and three  
6 copies of this transcript in the Office of the Clerk  
7 of the Circuit of Houston County, Houston County  
8 Courthouse, Dothan, Alabama.

9

10 Done this the 17th day of May, 1996.

11

12

13

14

Gwen Cooper

15

GWEN COOPER,

16

OFFICIAL COURT REPORTER

17

P. O. DRAWER 6406

18

DOTHAN, AL 36302

19

20

21

22

23

24

25

CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT

B. C. Montey

Appellant

v.

State of Alabama  
 Municipality of \_\_\_\_\_

TO: The Clerk of the Court of  
Criminal Appeals of Alabama

On Appeal From The:

Circuit Court of  
 District Court of  
 Juvenile Court of

Henry County

Case No. \_\_\_\_\_

Date of Notice of Appeal \_\_\_\_\_

I certify that I have this date completed and filed with the clerk of the trial court<sup>1</sup> the original of a true and correct transcript of the proceedings designated in the reporter's transcript order. All pages are numbered serially, in the upper right corner of each page, prefaced by a copy of the reporter's transcript order (p. no. \_\_\_\_) and an index, and ending with the number appearing in the upper right corner of this certificate.

I certify that a copy of this certificate is this date being served (on counsel for defendant) (defendant, if not represented), the attorney general of Alabama, and the district attorney or the municipal prosecutor in lieu of the attorney general and the district attorney if the appeal is from a municipal conviction, along with a copy of the index.

DATED this 17<sup>th</sup> day of MAY, 1994.

Dwain Cooperr  
Court Reporter

(Amended October 1, 1991.)

<sup>1</sup>The clerk of the trial court is reminded to assemble the record on appeal in volumes of not more than 200 pages each, and to send certified photocopies of the record on appeal to counsel for defendant and to the attorney general of Alabama as required by Rule 11(b) or to the municipal prosecutor in lieu of the attorney general if the appeal is from a municipal conviction.

JUN 27 1996

CLERK  
ALA COURT CRIMINAL APPEALS

COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA  
CRIMINAL APPEALS NO. 95-0268

---

ON APPEAL FROM THE  
CIRCUIT COURT OF HENRY COUNTY, ALABAMA  
ACTION NOS. CC 94-065, CC 94-066, CC 94-067,  
CC 94-068, CC 94-069, CC 94-070

---

B. C. MONEY.

(APPELLANT)

VS.

STATE OF ALABAMA

(APPELLEE)

---

BRIEF AND ARGUMENT OF APPELLANT, B. C. MONEY

---

WILLIAM C. MADDOX  
ATTORNEY FOR APPELLANT  
POST OFFICE BOX 1748  
DOTHAN, ALABAMA 36302  
(334) 793-3610

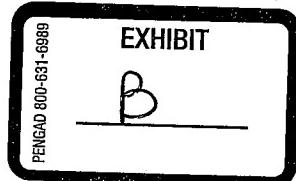


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## TABLE OF CASES AND AUTHORITIES

STATEMENT OF THE CASE

Defendant was arrested on August 12, 1994, on four counts of Rape, First Degree, and two counts of Sexual Abuse, First Degree. He was indicted on July 29, 1994 in violation of 13-A-6-61 and 13-A-6-66 of the Code of Alabama. (C.12-13). The Defendant entered a Waiver of Arraignment and Plea of Not-Guilty on August 25, 1994. (C.19). On December 5, 1994, the State filed a Motion for Consolidation of Offenses. (C.36). The Court granted that Motion on December 7, 1994. (C.57). The Defendant was found guilty by a jury of four counts of Rape in the First Degree and two counts of Sexual Abuse in the First Degree. On charge CC-94-725, the Defendant was sentenced to 99 years in the state penitentiary, a fine of Five Hundred Dollars (\$500.00), and a Victim Assessment fee. On charge CC-94-066, the Defendant was sentenced to 99 years, a fine of Five Hundred Dollars (\$500.00), and a Victim Assessment fee. In CC-94-067, the Defendant was sentenced to 99 years, a fine of Five Hundred Dollars (\$500.00), and a Victim Assessment fee. In case number CC-94-068, the Defendant was sentenced to 10 years, a fine of Five Hundred Dollars (\$500.00), and a Victim Assessment fee. In case number CC-94-069, the Defendant was sentenced to 99 years, a fine of Five Hundred Dollars (\$500.00), and a Victim Assessment fee. In case number CC-94-070, the Defendant was sentenced to 10 years, a fine of Five Hundred Dollars (\$500.00), and a Victim Assessment fee. (C.7-9). All six of the Defendant's sentences were ordered to run consecutively. (C.9). Notice of Appeal was given on the same date.

STATEMENT OF THE ISSUE

ISSUE I: DID THE TRIAL COURT COMMIT ERROR BY PRESSURING THE DEADLOCKED JURY INTO REACHING A VERDICT?

STATEMENT OF THE FACTS

At the conclusion of the Appellant's trial, the jury was sent out to begin its deliberations at approximately 4:00 in the afternoon. (R.528). At approximately 7:15 p.m., a little over three hours and fifteen minutes after the jury had begun its deliberations, the jury informed the Court that it was deadlocked. (R.527). After being notified that the jury was deadlocked in its deliberations, the trial court gave the following instructions to the jury:

The Court: "Okay. I think the jury retired a little after 4:00 and it is now 7:15, and I appreciate your attention to this case. I know that you all have deliberated and expressed your opinions to each other, and I do appreciate that. However, let me give you this charge at this time. If you would, please listen very carefully to this. The Court can not release you at this time. You should make further effort to reach a verdict in this case. Each juror is entitled to his or her opinion about the evidence, but I do not wish to put the State to the expense of another trial, if it can be avoided in this case. If you can not agree, a mistrial will be declared and this case will have to be tried again. There is no reason to believe that another jury would have better or clearer evidence than that presented to you today. This does not mean however, that you should surrender an honest conviction as to the weight or effect of any evidence solely because of the opinion of other jurors or because of the importance of arriving at a decision. But, you should give careful consideration and respectful consideration to each others views and talk over any

differences of opinion in a spirit of fairness and candor. If possible, you should resolve any differences and come to a common conclusion so this case can be completed. I will be happy to give you further instructions on the law on any matter other than the facts in this case. It is natural that differences of opinions will arise". (R.528-529).

The Court concluded its "Allen charge" or its "Dynamite charge" and sent the jury back to the deliberation room for further deliberation.

After further deliberations by the jury occurred, the jury returned to the courtroom and the following conversation occurred between the Court and the jury:

The Court: "Let me say this to the jury. We have had many hours of testimony, many facts presented; maybe not all of the facts that you wanted to hear or that could have been introduced. But, let me say this: If you had heard everything in the world about this case, we would be trying this thing forever. I think there is sufficient evidence before the jury at this time to make a decision one way or the other. Now, if you have come to a situation you can't discuss the case, then you need to rethink that position, because there are important issues here that you need to discuss with each other. Maybe points you need to discuss. And, if you do not have a discussion among yourselves, I don't want to be hard on anybody, believe me, I know the position you are in; but, if that is the case, then you are not doing your duty in this particular case. I don't want to sound mean or mean-spirited about it, but your job, as I said, is to discuss the case among yourselves. I am sure

you have your own opinions and that is great. If there are points you have that you do have a strong opinion, then you need to discuss those particular matters with each other. Because, somebody else may have an opinion that may give you some thoughts you have not thought about. But, as far as I am concerned, to say you are not discussing the case, that is your prerogative; you can do what you want to do. But, the Court is inclined at this point to keep on until a verdict is reached in this case. And, we are going to do that. I am not forcing you one way or the other to make up your mind either way. I don't think anybody heard me say anything in this particular case one way or the other how I think about the facts of the case or the guilt or innocence of the Defendant. I am not trying to force anybody into anything. However, I will not sit by and have you waiting and other people waiting in this particular matter, if you are not discussing the case. I will have to put it to you like it is; you are not doing your job if you don't discuss the case. I am prepared to stay here until a verdict is reached in this case. You all need to know that. I know it is inconvenient for you, and I hate that because I think each of you has done a good job, been attentive to the evidence, but on the other hand, this matter needs to be concluded in any manner. That is not up to me, that is up to you. But, the case needs to be discussed. With that, you can retire. As I said, the Court is going to keep on in this particular matter until a decision is reached, and you need to know that." (R.548-549). (emphasis added).

Following that charge by the Court to the jury, one of the jurors mentioned to the trial judge that there was some ill

feelings among some of the jurors....(R.550)....In response to the jurors question regarding ill feelings, the Court had the following comment:

The Court: "...but, as far as ill will is concerned toward any person, then that needs to be, you need to throw that aside. There is no room anywhere in this system of justice for anybody to be, to take it personally to the extent that they are bickering, fighting, ill will between you. That does not need to be there. And, I am sorry if that is the situation that has come up. Sometimes it does come up, to be very frank with you, in some juries. Why it comes up, I don't know other than people just have their own personal opinions. The evidence was taken in this case, many hours was taken and the facts are there. Regardless of how you rule or judge this particular case, it is, you know, that is the way it is. But, I will tell you this way. **There will be a verdict in this case, one way or the other.** That is only fair. Not only for B.C. Money, it is also that is the only way it is fair for the State of Alabama, too. With that, we will deliberate and we will deliberate tomorrow, if it takes it." (R.551). (emphasis added).

After that comment by the Court, the jury was returned to the jury deliberation room. (R.551). At that point in the proceedings, counsel for the Defendant objected to the Court's charge and stated:

The Court: Any objections to the Court's charge?

Mr. Valeska: I'm satisfied.

Mr. Ramsey: Your Honor, I want for the record---you are the Judge, but there is such a thing as a hopeless

deadlock... And, I don't think that that is a proper instruction that you will reach a verdict. If they are unable to do so, so be it.

The Court: The Court will make the determination at the appropriate time, whether or not there is a deadlock in the jury. And, that is my call and that is my discretion. And, I have given the dynamite charge to this particular jury at an earlier time, and I don't see anything inappropriate about telling the jury they have to reach a verdict in this case. (R.552).

Following even further deliberation by the jury, the jury was summoned to the courtroom by the trial court where they received the following charge:

The Court: "Okay. Ladies and gentlemen of the jury. My bailiff has talked to me about certain matters. I do not want to know and the attorneys do not need to know any kind of vote count in this particular case, how you voted, how you are thinking at this time, whether or not either way. I do not need to know that and the attorneys do not need to know that, also. But let me put it to you this way, also. The verdict must be unanimous. All twelve of you. Now, we have, in this particular case, when I say verdict, we have actually as you know, very well, six indictments in this case. **You must return a verdict either guilty or not-guilty on each particular charge in this case.** Again, I do not need to know the vote, and I do not want to know the vote. It is none of my business about that, and certainly not the

attorneys' business.... But, it must be unanimous. Let me say this for the jury's benefit. First of all, I appreciate you all discussing the case. I understand that you all are discussing the case again and I appreciate that. Of course, the Court does not know what you discuss and I don't want to know. That is up to you. That is your private deliberations. **But we will keep on deliberating in this matter.** Again, I hope there is no ill will among the members of the jury. There shouldn't be. If it is, you need to let me know. Y'all did let me know one time, and I did instruct you on that. But, if this becomes a problem, I may just ask you what the problem is. There will not be any ill will among the jury, and I will talk to you about that, because there is no place in this particular system of justice for anything like that. And, the Court will not tolerate that. One matter I think we need to take up at this point, since it is a late hour and needs to be said. Again, I am not trying to be mean-spirited or anything like that, because you have got a tough job to do and I appreciate that. But, it has come to my attention also, that one particular juror in this jury panel has attempted to leave the jury deliberation room and has been told to go back in. Now I am going to be very frank at this point. **As long as I run this courtroom, that will not be tolerated.** I don't know the person that did that, but that will not be tolerated in this Court as long as I say deliberate. I am not saying in a mean-spirited manner, but that juror, at some point, may have to come in this courtroom and again, I will not talk to anybody in private. It will be all parties present and we will discuss that particular manner." (R.554-556). (Emphasis added).

At approximately 11:01 p.m., the Court was notified that the jury had reached their verdict and all parties returned to the courtroom, some seven hours after the jury began its deliberation. (R.558). The jury returned guilty verdicts on all six counts that the Appellant stood trial on.

### ARGUMENT

#### ISSUE I: DID THE COURT COMMIT ERROR BY PRESSURING THE DEADLOCKED JURY INTO REACHING A VERDICT?

It is a long-standing rule in the State of Alabama that a Judge may not pressure the jurors in any way to relinquish individual conclusions reached on the basis of the evidence and law presented at trial. Jenkins v. United States, 380 US 445, 446, 85 S.Ct. 1059, 1060, 13 L.Ed.2d 957 (1965). The issue was also addressed by the Court of Criminal Appeals which cited Showers v. State, 407 So.2d 169, 171 (Ala. 1981), in which the Alabama Supreme Court said:

"It is quite clear that under Alabama law, a trial judge may urge a jury to resume deliberations and cultivate a spirit of harmony so as to reach a verdict, as long as the Court does not suggest which way the verdict should be returned **and no duress or coercion is used.**" at 171. (Emphasis added).

In the present matter, the trial court was entirely too vigorous and forceful in giving its charge and instructions to a deadlocked jury, and the Court's "Allen charge" in fact did coerce a verdict. To begin with, the Appellant's jury was forced by the trial court to deliberate from 4:00 p.m. until approximately 11:01 p.m. The trial court was notified on three separate occasions by the foreperson of the jury that the jury was in fact deadlocked, and on all three occasions, the trial court instructed the jury that it would in fact return a verdict one way or the other.

Furthermore, in the Appellant's trial, the Court did in fact call the jury's attention to the time and expense that the State would incur due to a new trial of the Defendant, and the Court did

in fact censure one particular juror simply for attempting to step out of the jury deliberation room during the course of deliberations. The trial court never allowed or even offered the jury a dinner break, nor did the trial court allow the jury to go home and reassemble the next morning, when it appeared that the jury was in fact deadlocked for the evening. Appellant would respectfully point out that the trial court told the jury panel once again that it would in fact come back with a verdict in the case one way or the other. (R.551) Furthermore, the Court informed the jury that it would reconvene the next day if necessary to get a verdict in the case. Interestingly enough, this was told to the jury on a Friday evening sometime between 4:00 p.m and 11:00 p.m., and the jury was never actually offered the opportunity to reconvene the next day.

The Appellant would respectfully point out that his trial occurred during Hurricane Opal, and his trial was in fact interrupted for approximately two days due to the problems associated in Henry County with the hurricane passing through.

The Appellant contends that taking all of the Court's charges in light of the circumstances that all residents of Henry County were faced with at the time of the hurricane (i.e. getting their lives back in order following this disaster), the trial court's comments to this particular jury are indeed coercive. The trial court's comments to the jury are especially coercive when coupled with the fact that the trial court repeatedly told the jury that it would return a verdict one way or the other. (R.551)

CONCLUSION

When this Honorable Court examines all of the trial court's comments, given to the deadlocked jury in the course of the Appellant's trial, this Honorable Court can not help but find that the trial court's comments to said jury are coercive and as such, the Appellant respectfully requests this Court to reverse and remand this case to the Circuit Court of Henry County for further actions.

Respectfully submitted this the 26 day of June, 1996.

HALL & SMITH



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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Brief on the Honorable Jeff Sessions, Attorney General for the State of Alabama, 11 South Union Street, Montgomery, Alabama, 36130, by placing a copy of same in the United States Mail, postage prepaid and addressed to him at the address set out above.

This the 26 day of June, 1996.



William C. Maddox  
Of Counsel

95-0268

IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

B.C. MONEY,

APPELLANT,

VS.

STATE OF ALABAMA,

APPELLEE.

ON APPEAL FROM THE CIRCUIT COURT OF  
HENRY COUNTY, ALABAMA

BRIEF AND ARGUMENT

OF

JEFF SESSIONS  
ATTORNEY GENERAL

AND

JEAN A. THERKELSEN  
ASSISTANT ATTORNEY GENERAL

ATTORNEYS FOR APPELLEE

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STATEMENT OF THE CASE

This is an appeal from the appellant's conviction of four counts of rape in the first degree and two counts of sexual abuse in the Circuit Court of Henry County, the Honorable Lawson Little presiding.

The appellant, B.C. Money (hereinafter "Money"), was indicted by the Henry County Grand Jury on July 29, 1994 on three counts of raping Amber Celeste Money by forcible compulsion in violation of §13A-6-61, Code of Alabama (1975) in cases CC94-065, CC94-066 and CC94-067. (C. 12, 75, 88) In CC94-068 Money was charged with sexual abuse in the first degree of Amber Celeste Money in violation §13A-6-66, Code of Alabama (1975). (C. 103) In CC94-069 Money was charged with rape in the first degree of Amanda Hadden in violation of §13A-6-61, Code of Alabama (1975). (C. 18) In CC94-070 Money was charged with sexual abuse in the first degree of Amber Money in violation of §13A-6-66, Code of Alabama (1975). (C. 133) On motion of the State made December 5, 1994 and over objection by defense counsel cases CC94-065-CC94-070 were consolidated. (C. 36, 37, 38, 41)

The case came to trial on October 6, 1995 whereupon the jury found the defendant guilty of four counts of rape in the first degree and two counts of sexual abuse in the

first degree. (C. 54, 77, 91, 106, 121, 136) A sentence hearing was held on October 27, 1995 whereby the defendant was sentenced as follows: In case CC94-0725, ninety-nine years in the State penitentiary; in case CC94-066, ninety-nine years in the State penitentiary; in case CC94-067, ninety-nine years in the State penitentiary; in case CC94-068, ten years; in case CC94-069, ninety years in the State penitentiary; and in case CC94-070, ten years in the State penitentiary. (Vol. R. 6-8) Notice of appeal was given October 27, 1995 (C. 66) and this action follows.

ISSUE PRESENTED FOR REVIEW

THE TRIAL COURT'S INSTRUCTIONS TO THE JURY DID NOT COERCE OR COMPEL A VERDICT IN THIS CASE.

STATEMENT OF THE FACTS

When victim Amanda Catherine Hadden was in the second grade, she went home from school with her cousin, victim Amber Money. The defendant in this case is Amber Money's grandfather. Amanda went with Amber to the defendant's house after school on the afternoon in question. While there, the defendant showed both girls pornographic magazines and playing cards which he kept in a box in a dog pen near the house. The defendant then

took Amanda and Amber to an old shed near his trailer where he had the girls lay shingles down on the ground. He told Amanda to pull her pants down. Amanda testified that she was very afraid of the defendant and that he had blocked the door of the shed. There was no one else around to help them. The defendant made Amanda lie down on her back on top of the shingles. He put his finger in Amanda's vagina. Then, he pulled his pants down and put his penis inside of her. Amanda testified that it hurt. While he was on top of Amanda with his penis inside of her, Amber's mother called them from outside. The defendant jumped up and told the girls not to tell anybody what he had done and left. At first, Amanda was afraid to tell anyone what had happened. A few months later, she told her mother and her aunt what the defendant had done to her. Her mother took her to a doctor who examined her. Amanda Catherine Hadden identified the defendant in court as the man who had placed his finger inside of her vagina and his penis inside of her vagina. (R. 40-89) The victim Amanda Catherine Hadden was seven years old when the defendant raped and sexually abused her.

Victim Amber Celeste Money, the defendant's granddaughter, testified that she was six years old the

first time her grandfather tried to stick his penis inside of her. He penetrated her slightly the first time. Altogether, the defendant penetrated her vagina with his penis five times: four times at a creek near the house and one time in one of the bedrooms of the trailer. Amanda testified that each time her grandfather forced himself on her.

When Amber was in the first grade her cousin Amanda came home with her. The defendant (Amber's grandfather) showed Amber and Amanda some pornographic magazines he kept in an old dog pen. He took them to a shed where he made them lay down shingles on the floor. He then pulled down Amanda pants and touched Amanda's vagina. He got on top of Amanda and stuck his penis in Amanda and moved up and down. Amber watched. She said she was afraid of the defendant and so had never told anyone about his abuse of her. She was also afraid on the day in question to leave the shed because her grandfather had whipped her. At one point, while the defendant was on top of Amanda they heard Amber's mother. The defendant got up and told them not to tell anyone what he had done. Amber identified the defendant in court. (R. 171) Amber also testified that in the past her grandfather had shown her

pornographic movies, in particular a movie called "Screwballs." (R. 132-173, 179-181)

Clyde Hornsby of the Henry County Sheriff's Department recovered two pornographic magazines and two decks of cards with naked women on them from the defendant's property. The cards were found in the defendant's dresser. The magazines were found in a tool box out by the barn. (R. 8-9) Hornsby also found shingles in the hog barn. (R. 16) Hornsby testified that he had interviewed many victims of sexual abuse cases. In his experience, it was normal for children to be upset and to have a hard time pinpointing dates because of their young age. Both the victims in this case were younger than nine years old when the acts of abuse occurred. Amber and Amanda told Deputy Hornsby the exact locations of the pornographic material. (R. 239) Both girls described the contents of that material and also described the shingles and their location. The shingles were also found where Amanda and Amber said they would be. (R. 245) The shingles were still laying on the ground when Hornsby found them. Amber was seven years old when she was interviewed by Hornsby. She drew a picture of the defendant's penis. (R. 278-279)

At the conclusion of Hornsby's testimony the State of Alabama rested its case in chief. (R. 280)

The defense then presented testimony through witnesses Ted A Williams, Patricia Ann Money, Ruby Money, Elbert Bristow, Cynthia Chambers, Dora Money and the defendant, B.C. Money, Sr. The defendant testified in his behalf and denied that he ever raped or sexually abused either victim. (R. 399-437)

Under Rule 28(a)(4), A.R.A.P. the following excerpts from the transcript are relevant to the only issue raised by the appellant on appeal, that being, that the trial judge forced the jury to reach a verdict.

(Thereupon, the Trial Jury was returned to their places in the Jury Box and the following proceedings were held in the presence and hearing of said Trial Jury, to-wit:)

THE COURT: Ladies and Gentlemen of the Jury, it has come to the Court's attention that you are deadlocked. Is that correct?

THE FOREPERSON: Yes, sir.

THE COURT: Okay. I think the Jury retired a little after 4:00 o'clock and it is now 7:15 and I appreciate your attention to this case. I know that y'all have deliberated and expressed your opinions to each other and I do appreciate that. However, let me give you this charge at this time. If you would, please listen very carefully to this. The Court

cannot release you at this time. You should make further effort to reach a verdict in this case. Each Juror is entitled to his or her opinion about the evidence, but I do not wish to put the State to the expense of another trial, if it can be avoided in this case. If you cannot agree, a mistrial will be declared and this case will have to be tried again. There is no reason to believe that another Jury would have better or clearer evidence than that presented to you today. This does not mean, however, that you should surrender an honest conviction as to the weight or effect of any evidence solely because of the opinion of other Jurors or because of the importance of arriving at a decision. But, you should give careful consideration and respectfully consideration to each other's views and talk over any differences of opinion in a spirit of fairness and candor. If possible, you should resolve any differences and come to a common conclusion so this case can be completed. I will be happy to give you further instructions on the law on any matter other than the facts in this case. It is natural that differences of opinion will arise. When they do, each Juror should not only express his opinion or her opinion, but the facts and reason upon which he or she basis that opinion. By reasoning that matter out, it may be possible for all Jurors to agree in this case. What I have said to you must not be taken as an attempt on the part of the Court to require or force you to surrender your honest and reasonable convictions founded upon the law and evidence in this case. My sole purpose is to impress upon you your duty and desirability and

the importance of reaching a verdict,  
if you can conscientiously do so.  
With that, you may retire again and  
continue your deliberations.

(Thereupon, the Trial Jury proceeded  
to the Jury Room to continue their  
deliberations with the above further  
instructions from the Court. The  
following proceedings were held  
outside the presence and hearing of  
the said Trial Jury, to-wit:)

(R. 527-530)

After further deliberations by the jury occurred,  
the jury returned to the courtroom and the following  
conversation was had between the court and the jury:

THE COURT: ... It has come to the  
Court's attention from the bailiff,  
that y'all have quit discussing the  
case. I don't know if that is true  
or not. Mrs. Gibbs, is that true?

THE FOREPERSON: There has been no  
discussion in the past while, really.

THE COURT: Let me say this to the  
Jury. We have had many hours of  
testimony, many facts presented;  
maybe not all of the facts that you  
wanted to hear or that could have  
been introduced. But, let me say  
this; if you heard everything in the  
world about this case, we would be  
trying this thing forever. I think  
there is sufficient evidence before  
the Jury at this time to make a  
decision one way or the other. Now,  
if you have come to a situation you  
can't discuss the case, then you need  
to rethink that position, because  
there are important issues here that  
you need to discuss with each other,  
maybe points you need to discuss.

And, if you do not have a discussion among yourselves, I don't want to be hard on anybody, believe me, I know the position you are in; but, if that is the case, then you are not doing your duty in this particular case. I don't want to sound mean or mean spirited about it, but your job, as I said, is to discuss the case among yourselves. I am sure you have your own opinions and that is great. If there are points you have that you do have a strong opinion, then you need to discuss those particular matters with each other. Because, somebody else may have an opinion that may give you some thoughts you have not thought about. But, as far as I am concerned, to say you are not discussing the case, that is your prerogative; you can do what you want to do. But, the Court is inclined at this point to keep on until a verdict is reached in this case. And, we are going to do that. I am not forcing you one way or the other to make up your mind either way. I don't think anybody heard me say anything in this particular case one way or the other how I think about the facts of the case or the guilt or innocence of the Defendant. I am not trying to force anybody into anything. However, I will not sit by and have you waiting and other people waiting in this particular matter, if you are not discussing the case. I will have to put it to you like it is; you are not doing your job if you don't discuss the case. I am prepared to stay here until a verdict is reached in this case. Y'all need to know that. I know it is inconvenient for you and I hate that, because I think each of you has done a good job, been attentive to the evidence, but on the other hand, this matter needs to be

concluded in any manner. That is not up to me, that is up to you. But, the case needs to be discussed. With that, you can retire. As I said the Court is going to keep on in this particular matter until a decision is reached and you need to know that. I will say right at this point, while it is out on the table for everybody, if a decision cannot be reached tonight, we will deliberate tomorrow. Any questions? (No response.)

(R. 546-549)

Thereafter, one of the jurors asked the following:

A JUROR: OK. I will go ahead and say it. You know, every time we get to discussing, you know, the verdict, then, you know, it gets ill feelings. People start crying and stuff. You know, what do we do?

(R. 550)

The court responded as follows:

THE COURT: Now, that is one thing you are going to have to do, even though you have strong opinions about the matter. That is your prerogative. That is your duty to have an opinion. That is why we have twelve of you here. You need to do that. But, as far as ill will is concerned toward any person, then that needs to be, you need to throw that aside. There is no room anywhere in this system of justice for anybody to be, to take it personally to the extent that they are bickering, fighting, ill will between you. That does not need to be there. And, I am sorry if that is the situation that has come up.

Sometimes it does come up, to be very frank with you, in some Juries. Why it comes up, I don't know, other than people just have their own personal opinions. The evidence was taken in this case, many hours was taken and the facts are there. Regardless of how you rule or judge this particular case, it is, you know, that is the way it is. But, I will tell you this way. There will be a verdict in this case, one way or the other. That is only fair. Not only for B.C. Money, it is also, that is the only way it is fair for the State of Alabama, too. With that, we will deliberate and we will deliberate tomorrow, if it takes it. Thank you.

(Thereupon, the Trial Jury returned to the Jury Room

(R. 550-551)

Upon suggestion by defense counsel at this point that the jury was hopelessly deadlocked the court stated that it would make such determination at the appropriate time regarding whether there was deadlock. (R. 552) The prosecutor pointed out that the foreperson did not relate that there existed a hopeless deadlock at all in this case and the court agreed. (R. 553) Thereafter, the jury returned to the courtroom again and the judge instructed to them as follows:

THE COURT: Okay. Ladies and Gentlemen of the Jury, my bailiff has talked to me about certain matters. I do not want to know and the Attorneys do not need to know any

kind of vote count in this particular case, how you voted, how you are thinking at this time, whether or not either way. I don't need to know that and the Attorneys do not need to know that, also. But, let me put it to you this way, also. The verdict must be unanimous. All twelve of you. Now, we have, in this particular case, when I say verdict, we have actually, as you know, very well, six Indictments in this case. You must return a verdict either guilty or not guilty on each particular charge in this cause. Again, I do not need to know the vote and I do not want to know the vote. It is none of my business about that, and certainly not the Attorneys business. But, it must be unanimous. Let me say this for the Jury's benefit. First of all, I appreciate y'all discussing the case. I understand that y'all are discussing the case again and I appreciate that. Of course, the Court does not know what you discussed and I don't want to know. That is up to you. That is your private deliberations. But, we will keep on deliberating in this matter. Again, I hope there is no ill will among the members of the Jury. There shouldn't be. If it is, you need to let me know. Y'all did let me know one time and I did instruct you on that. But, if this becomes a problem, I may just ask you what the problem is. There will not be any ill will among the Jury and I will talk to you about that, because there is no place in this particular system of justice for anything like that. And, the Court will not tolerate that. One matter I think we need to take up at this point, since it is a late hour and needs to be said.

Again, I am not trying to be mean spirited or anything like that, because you have got a touch job to do and I appreciate that. But, it has come to my attention also, that one particular Juror in this Jury Panel has attempted to leave the Jury Deliberation Room and has been told to go back in. Now, I am going to be very frank at this point. As long as I run this Court Room, that will not be tolerated in this Court as long as I say deliberate. I am not saying in a mean spirited manner, but that Juror, at some point, may have to come in this Court Room and again, I will not talk to anybody in private, it will be all parties present and we will discuss that particular manner. You are in there for a job like I am here for a job and Mr. Valeska for the State and Mr. Ramsey. And, that kind of conduct will not be tolerated by the Court at all. But, the verdict must be unanimous in this case. That is what the Law of Alabama says and it is not to be coerced in any manner. As long as you keep frank and honest discussions among yourselves and not let any ill will come between y'all, then everything is fine. I appreciate y'all talking to my bailiff and about this and you need to be assured that every time you talk to him, he talks to me about this. But, if you do talk to him, you need to know if he talks to me, what you say to him is going to be discussed among all of us in the presence of everybody. That is the way it should be. With that, you may begin your deliberations again.

(R. 554-558)

Thereafter, the jury returned a verdict finding the defendant guilty of four counts of rape in the first degree and two counts of sexual abuse in the first degree as charged in the indictments. (R. 560-561) This action follows.

ARGUMENT

THE TRIAL COURT'S INSTRUCTIONS TO THE JURY DID NOT COERCE OR COMPEL A VERDICT IN THIS CASE.

Money argues on appeal that the trial court's instructions to a "deadlocked jury" coerced the verdict returned in the instant case. An examination of the record herein reveals that not only was the jury not deadlocked, the court's instructions did not coerce the verdict returned. (R. 528-529, 545-558) In fact, the judge at all times impressed upon the jurors that the decision was theirs and that they should not "surrender an honest conviction" solely because of the opinion of other jurors or because of the importance of arriving at a decision. (R. 528) Rather, the court urged the jurors to talk over their differences and if possible to resolve such differences and come to a conclusion. (R. 528) The second time the judge spoke to the jurors was to urge them to continue discussing the facts of the case. (R.

548-549) The judge urged them to set aside any ill will that may have arisen and to continue deliberating the matter. (R. 550-551) Later, the judge reminded the jurors that the verdict must be unanimous and that they should keep their discussions frank and honest. (R. 556-557) At no point did the judge indicate his opinion of the facts of the case nor did the judge exercise duress or coercion in order to compel a verdict herein.

A trial judge may urge a jury to resume deliberations so long as the judge does not use duress or coercion to compel a verdict. Strickland v. State, 348 So.2d 1105, 1112 (Ala. Cr. App.), cert. denied, 348 So.2d 1113 (Ala. 1977); Murry v. State, 455 So.2d 53, 64 (Ala. Cr. App. 1983), rev'd on other grounds, 455 So.2d 72 (Ala. 1984); Voyles v. State, 596 So.2d 31, 35 (Ala. Cr. App. 1991). In cases such as the one at bar judges may and frequently do encourage jurors to continue deliberating in the hope that some agreement will be reached. "This is never improper as long as the judge does not coerce the jury to reach a verdict or suggest to them a particular verdict. Strickland v. State, supra; McHan v. State, 508 So.2d 1108 (Ala. Cr. App. 1986). An examination of the trial court's charge to the jury herein "in the whole context of its setting" reveals that

it is not coercive or threatening." Daniels v. State, 416 So.2d 760, 762 (Ala. Cr. App. 1982). Rather, the trial judge explained to the jury the desirability and importance of reaching a verdict by giving an impartial instruction which never indicated which way the verdict should be returned. Herein, the trial judge instead urged the jury to resume deliberations and discussion of the case among each other and to cultivate a spirit of harmony so as to reach a verdict, but the court did not in any manner suggest which way the verdict should have been returned. Showers v. State, 407 So.2d 167, 171 (Ala. Cr. App.) rev'd, 408 So.2d 169 (Ala. 1981). In the case at bar the judge did not "merely [terminate] the jury's deliberations and [force] a verdict for the mere sake of agreement, but [instead] initiated a new deliberative process resulting in a genuine consensus." Voyles v. State, 596 So.2d 31, 36 (Ala. Cr. App. 1991) citing Annot., Verdict-urging instructions in civil cases stressing desirability and importance of agreement, 38 ALR 3rd 1281, 1287 (1971). "The duration of jury deliberations is a matter vested entirely within the discretion of the trial court." Edwards v. State, 668 So.2d 167 (Ala. Cr. App. 1995) citing Lake v. State, 390 So.2d 1088 (Ala. Cr. App. 1980), cert. denied, 390 So.2d

1093 (Ala. 1980), cert. denied, 450 U.S. 1004, 101 S.Ct. 1715, 68 L.Ed.2d 207 (1981). The record herein supports no finding of an abuse of discretion by the trial court and thus Money's conviction herein should be affirmed.

CONCLUSION

Based on the foregoing, the decision of the trial court is due to be affirmed.

Respectfully submitted,

JEFF SESSIONS  
ATTORNEY GENERAL  
BY:

Jean A Therkelsen  
JEAN A. THERKELSEN  
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF SERVICE

I hereby certify that on this 25<sup>th</sup> day of July, 1996, I did serve a copy of the foregoing the on the attorney for the Appellant, by placing the same in the United States Mail, first class, postage prepaid and addressed as follows:

William Christian Maddox  
P. O. Box 1748  
Dothan, Al 36302

Jean A. Therkelsen  
JEAN A. THERKELSEN  
ASSISTANT ATTORNEY GENERAL

ADDRESS OF COUNSEL:

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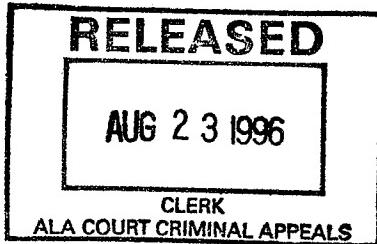
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*Harkless*

# COURT OF CRIMINAL APPEALS

STATE OF ALABAMA  
 JUDICIAL BUILDING, 300 DEXTER AVENUE  
 P. O. BOX 301555  
**MONTGOMERY, ALABAMA 36130-1555**

SAM TAYLOR  
Presiding Judge  
JOHN PATTERSON  
 H. WARD McMILLAN  
 FRANCIS ALLEN LONG, SR.  
 SUE BELL COBB  
 Judges



Clerk's Office  
 (334) 242-4590

## MEMORANDUM

CR-95-0268

Henry Circuit Court No. CC-94-065;  
 CC-94-066; CC-94-067; CC-94-068;  
 CC-94-069; CC-94-070

B.C. Money v. State

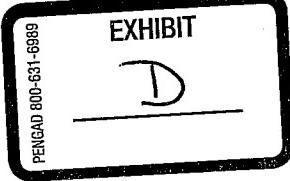
**Affirmed by Memorandum.** The judgment of the circuit court is affirmed. Following a jury trial the appellant, B.C. Money, was convicted of four counts of rape in the first degree, violations of § 13A-6-61, Code of Alabama 1975 and two counts of sexual abuse in the first degree, violations of § 13A-6-66. He was sentenced on October 27, 1995, and this appeal followed.

The convictions stemmed from the appellant's alleged sexual contact and sexual intercourse with his six year old granddaughter and another seven year old girl.

The appellant raises one issue in this direct appeal: He contends that the trial court committed reversible error by coercing the allegedly deadlocked jury into convicting him.

The record shows that the jury was returned to the courtroom several times during their deliberations which lasted from approximately 4:00 p.m. until approximately 11:00 p.m. Each time the jury was returned, the trial judge instructed them in an impartial manner to keep deliberating.

"The duration of jury deliberations is a matter vested entirely within the discretion of the trial court. See Lake v. State, 390 So. 2d 1088 (Ala. Cr. App. 1980), cert. denied, 390 So. 2d 1093 (Ala. 1980), cert. denied, 450 U.S. 1004, 101 S. Ct. 1715, 68 L. Ed. 2d 207 (1981); Martin v. State, 29 Ala. App. 395, 196 So. 753



(1940)....'

"Hollis v. State, 417 So. 2d 617, 620 (Ala.Crim.App. 1982)."

Edwards v. State, 668 So. 2d 167, 169 (Ala.Cr.App. 1995).

"The general rule in Alabama has been that it is not improper for the trial court to urge upon the jury the duty of attempting to reach an agreement or verdict as long as the judge does not suggest which way the verdict should be returned.' King v. State, 574 So.2d 921, 927-28 (Ala.Crim.App. 1990) (quoting McMorris v. State, 394 So.2d 392 (Ala.Crim.App. 1980), writ denied, 394 So.2d 404 (Ala. 1981), cert. denied, 452 U.S. 972, 101 S.Ct. 3127. 69 L.Ed. 2d 983 (1981). An Allen [v. United States], 164 U.S. 492, 17 S.Ct. 154, 41 L.Ed. 528 (1896) charge, also known as a 'dynamite charge,' is permissible if the language of the charge is not coercive or threatening. Grayson v. State, 611 So.2d 422, 425 (Ala.Crim. App. 1992); King v. State, 574 So.2d at 928. We find that in giving the supplemental charge, the trial court did not suggest which way the verdict should be returned, and the charge was not in any way coercive or threatening. Thus, no error occurred in the supplemental charge to the jury."

Slaton v. State, [Ms. CR. 89-848, Jan. 13, 1995], \_\_\_ So.2d \_\_\_, \_\_\_ (Ala.Cr.App. 1995).

"It is error for the trial court to coerce or threaten a jury in the reaching of a verdict. Orr v. State, 40 Ala.App. 45, 111 So.2d 627, affirmed on cert., 269 Ala. 176, 111 So.2d 639. But the entire charge must be examined so that the suspected language is tested in the whole context of its setting in order to determine whether the jury has been coerced or threatened. Whittle v. State, 205 Ala. 639, 89 So. 43."

Evans v. State, 338 So.2d 1033, 1040 (Ala.Cr.App. 1976).

We have examined the entire record and find that the instructions given by the trial judge to the jury were not coercive or threatening. The trial judge's urging of further deliberations was proper.

# OFFICE OF THE ATTORNEY GENERAL



Therlelsen  
95-0268

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September 30, 1996

Douglas A. Valeska  
DISTRICT ATTORNEY'S OFFICE  
Post Office Box 1632  
Dothan AL 36302

RE: B. C. MONEY  
CIRCUIT COURT# 94-065-070  
DATE COJ ISSUED: 09/10/96

Dear Mr. Valeska:

For your information, the Court of Criminal Appeals has issued the Certificate of Judgment on the date noted on the above-referenced case.

Thank you for your attention to this matter.

Sincerely,

Rosa H. Davis  
ROSA H. DAVIS  
ASSISTANT ATTORNEY GENERAL

RHD/dms

